SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1966

No. 32

JAMES R. HOFFA, PETITIONER,

vs.

UNITED STATES.

No. 33

THOMAS EWING PARKS, PETITIONER,

vs.

UNITED STATES.

No. 34

LARRY CAMPBELL, PETITIONER,

vs.

UNITED STATES.

No. 35

EWING KING, PETITIONER,

vs.

UNITED STATES.

ON WRITS OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

INDEX

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VOLUME 3

	Original	Print
Record from the United States District Court for the Eastern District of Tennessee, Southern Division—Continued		
Transcript of proceedings, January 27, 1964–February 28, 1964—Continued		
Testimony of Edward Grady Partin—		
further cross	3594	655
Colloquy between court and counsel	3722	734
Testimony of John J. Hooker	3725	737
Edward Grady Partin—		
(recalled)—		
further cross	3741	745
Colloquy between court and counsel	4021	823
Testimony of Edward Grady Partin—		
(recalled)—		
further cross	4040	830
Colloquy between court and counsel	4144	881
Testimony of Edward Grady Partin—		
(recalled)—		
further cross	4166	887
Andrew H. Mizell—		
(recalled)—		
further redirect	4965	1016
James C. Tippens—		
(recalled)—		
further direct	5061	1023
Colloquy between court and counsel	5107	1038
Testimony of Albert J. Gasdor—		
direct	5135	1042
Colloquy between court and counsel on motion to dismiss indictment	5144	1042
Testimony of Albert J. Gasdor—		
(resumed)—		
direct	5153	1047
Colloquy between court and counsel	5157	1049
Testimony of Walter J. Sheridan—		
(recalled)	5183	1054

	Original	Print
Record from the United States District Court for the Eastern District of Tennessee, Southern Division—Continued		
Transcript of proceedings, January 27, 1964–February 28, 1964—Continued		
Colloquy between court and counsel re various motions	5384	1058
Testimony of Nicholas J. Tweel—		
direct	5398	1062
cross	5451	1068
Colloquy between court and counsel on motion to suppress	5534	1074
Testimony of Nicholas J. Tweel—		
further cross	5552	1084
Colloquy between court and counsel	5599	1089
Testimony of Allen Dorfman—		
direct	5676	1092
cross	5700	1095
Colloquy between Court and counsel re motions	5831	1096
Testimony of William Hawk Daniels—		
direct	5848	1100
cross	5906	1137
redirect	5914	1143
recross	5915	1144

[fol. 3594] Further cross examination.

By Mr. Berke:

Q. Mr. Partin, when we adjourned for the noon hour I believe I asked you if you didn't testify in this court in the absence of the jury that the first time that you saw Mr. Sheridan was in the lobby of the Andrew Jackson Hotel?

Mr. Neal: Now, your Honor, I object to that because that's not the question Mr. Berke asked. I have checked this transcript. The question was, didn't he testify that the first time he met Mr. Sheridan was in the lobby. I have checked the transcript on that.

Mr. Berke: If your Honor please, I don't think it's proper.

The Court: Proceed.

By Mr. Berke:

Q. Do you recall when it is that you first saw Mr. Sheridan?

A. Yes, sir, if you mean saw or met, I mean.

Q. All right, a good question, saw or met. When did you first see him or when did you first meet him?

A. Met him on business or just meet him in—I mean I am trying to clarify what you mean, sir, I just want to [fol. 3595] know, met him in business matters or just see him on the street or in a car, sir?

Q. Well, I will ask both. When did you first see Mr. Sheridan in person to talk to him and know that that was Mr. Sheridan?

A. The first day I got there.

Q. Sir?

A. The first day that I got there, the first night, somewhere during—

Mr. Schiffer: (Interposing) May we have the witness speak a little bit louder? We can't hear his words.

The Court: Yes, speak loudly enough.

A. The first day that I arrived in Nashville during that course of the afternoon, evening or night.

Q. All right. Where did you see him?

A. I believe it was down close to the Noel Hotel from the Andrew Jackson.

Q. Close to the Noel Hotel from the Andrew Jackson?

A. Yes, sir, in between, in between the two.

Q. Did you see him on the street?

A. Yes, he was on the street when I saw him.

Q. In a building?

A. No, sir, in a car.

Q. In a car. All right. Now, is that the first time that you laid eyes on Mr. Sheridan?

[fol. 3596] A. If I had before I didn't know who he was.

Q. All right. How long did you talk with him?

A. I don't know exactly how long it was I talked with him, it wasn't a great length of time.

Q. What did you talk about?

A. The same thing that I told you I did the first report on the meeting of the 22nd when I got to Nashville.

Q. How long after you got into Nashville before you met him on the 22nd?

A. I believe I answered you, sir, already on that.

Q. Answer me again then.

The Court: Just respond even if it involves repeating your answer, Mister—

A. (Interposing) Either during the afternoon, evening or night of that day.

Q. Yet you don't know?

A. I didn't say I didn't know. I said I met him at one time or another.

Q. Well, if you do know will you please state?

A. I said one or the other, sir, it was later in the afternoon.

Q. Is it true then that you don't know whether it was afternoon, evening or night?

A. No, sir, it's not true that I don't know. I know it was one or the other, I don't know which one it was, it [fol. 3597] could have been 6 or 7 or 8, I will put it that way, along in those times.

Q. It could either have been six o'clock, seven o'clock or eight o'clock?

A. I am using that to make a reference, sir, to give you an example of what I am speaking of.

Q. Well, is it true then that you do not know just exactly what time that day when you arrived that you met—that you saw Mr. Sheridan?

A. No, sir, I do not know the exact time, the exact time.

Q. That's all I asked.

A. To the minute.

Q. Now, let's get to this other distinction. When did you first meet Mr. Sheridan?

A. I think in the apartment, as far as meeting him casually where you could sit down and talk to him in a room of some sort in his apartment.

Q. So you are making the distinction between seeing or meeting him in an automobile and seeing and meeting him in an apartment?

A. Yes, sir, as far as the length of a lengthy discussion or what would be said along those lines.

Q. Did you introduce yourself to Mr. Sheridan in the automobile?

[fol. 3598] A. I would imagine I introduced myself to him the first time I met him or either he knew me, I guess, when he saw me from description.

Q. Well, had you talked to Mr. Sheridan at any time before you met him in the automobile?

A. Yes, I talked to him on the phone, yes, sir.

Q. Where were you when you talked to him on the phone?

A. In a pay phone across the street, I think it was a pay phone, I am sure of that.

[fol. 3599] Q. Across the street from where?

A. The Andrew Jackson Hotel.

Q. And what was your agreement as far as meeting and talking?

A. Well, there was no set agreement. I may have met him in the car or something. Wouldn't be any set agreement as far as—

Q. (Interposing) So you had no agreement with him about meeting or where you would meet or anything?

A. Not in advance, no. Not until I talked to him.

Q. Well, you talked to him.

A. I said that.

Q. All right. When you talked to him did you have an agreement with him as to where to meet?

A. Certainly. I would have to. I couldn't hunt him all over Nashville.

Q. All right. Where did he tell you or you tell him you would meet him?

A. Well, where we were going to meet at. If it would be in the car we would meet in the car. If he was to be in the apartment he would pick me up in his car and take me over there.

Q. I'm talking about the first time, Mr. Partin, the first time that you laid eyes on Mr. Sheridan, what instructions did he give you on the telephone as to where to meet him? [fol. 3600] A. Well, the first time I laid eyes on him I wasn't able to talk to him because he identified me from a handkerchief in my pocket.

Mr. Silets: I didn't hear that answer, Your Honor. Could he speak up?

The Court: Speak up, Mr. Partin.

Mr. Silets: What was the answer?

The Witness: I said the first time I met him I didn't get to talk to him. I identified myself by a handkerchief in my pocket. Here.

By Mr. Berke:

Q. You identified yourself to Mr. Sheridan?

A. He recognized me by a handkerchief in my pocket.

Q. Had you ever talked to Mr. Sheridan before that time?

A. I'm sure I called him on the phone prior to that.

Q. Where was Mr. Sheridan when you talked to him?

A. I don't know where he was. I called him on the phone at his office I would imagine. Or his apartment. He had two places there.

Q. Was that after you got to Nashville?

A. Yes, sir.

Q. Did you call him?

A. Yes, sir, I did.

[fol. 3601] Q. How many times did you call him before you saw him?

A. Well, I wouldn't remember whether I called him once before I saw him because just wouldn't know exactly how many. Probably once or twice I would imagine.

Q. It is true, isn't it, Mr. Partin, that yesterday while Mr. Hooker was questioning you, you knew the time, the place, the parties, the nature of the conversation and all of those things, that is true, isn't it?

A. Well, I knew those people. I didn't know Mr. Sheridan.

Q. Now, what is the difference now that makes you so forgetful about items, what is the distinction?

A. Had he asked me how many times I used the public phone I couldn't have told him either.

Q. But here is a man that you are coming to meet, meet for the first time, that is true, isn't it?

Mr. Hooker: We think this is argumentative, if Your Honor please.

The Court: Sustained.

By Mr. Berke:

Q. This was the first time in your life that you were to meet Mr. Sheridan there?

A. As far as I know, as far as I knew yes, sir. As far as I can remember.

[fol. 3602] Q. And I say you called him one, two, three or four times?

A. I said it is possible because local pay phone you certainly couldn't keep up with the record, the number of calls you made on a local phone.

Q. Do you recall—, you recalled the different phone calls that Mr. Dorfman was supposed to have made at pay stations and things like that.

A. Yes, sir, I was supposed to pay attention to that. I wasn't supposed to keep up with how many times I talked to Mr. Sheridan.

Q. But you are not supposed to pay attention to what you were doing?

A. I wasn't violating the law, I didn't think I needed to make a record of it.

Q. I didn't ask you if you were violating the law. I'm simply asking you if you talked to Mr. Sheridan what were the instructions as to how you were to meet? It is a simple question.

A. Well, the first meeting that I believe was when Mr. Tweel was in town and I thought he was Anthony Quinn and Mr. Sheridan wanted to come in the lobby of the hotel and see who he was. And I had to put a handkerchief in my pocket with an "E" in it to identify myself to Mr. Sheridan so he would know who I was talking to whether [fol. 3603] it would be Mr. Tweel or who it may be.

Q. So he did come into the lobby of the Andrew Jackson Hotel?

A. Oh, yes.

Q. What kind of handkerchief were you wearing?

A. I had one with an "E" in it same as this one here.

Q. And you had already seen Mr. Tweel at that time?

A. Oh, yes, sir.

Q. And who else did you see at that time? Who else had you already seen?

A. Well, some of them that I had seen I didn't mention yesterday. I saw someone that he said was president of the Fraternal Order of Police going into the lounge, someone that came with him.

Mr. Silets: Objection, Your Honor.

The Court: I don't see how it is material. Sustain the objection.

By Mr. Berke:

Q. Of these defendants who else did you see before you talked to Mr. Sheridan the first time?

A. Mr. Tweel. Mr. Dorfman. Mr. King. Mr. Hoffa.

Q. How long was it from the time that you were in the lobby of the Andrew Jackson Hotel until you met Mr. Sheridan somewheres on the street or in a car next?

A. I believe it was dark, sir, so it would have been six [fol. 3604] or seven o'clock. I would guess around that time. I don't know for sure on that.

Q. All right, how long a period of time elapsed between the time that you made yourself identifiable in the Andrew Jackson Hotel until you talked to Mr. Sheridan?

A. I believe I told you I didn't remember that. The exact time on that.

Q. Well, could you give us approximately when it was?

A. Not accurately I don't think so, no, sir.

Q. It was in the morning or was it in the afternoon?

A. The next time I saw him was in the afternoon or later in the night. It was at night-time. I don't think it was in the morning.

[fol. 3605] Q. When you made yourself identifiable to him it was daylight?

A. No, sir, it was not.

Q. In other words, when you were in the lobby of the Andrew Jackson Hotel it was already dark?

A. Yes, sir, because they were eating lunch—dinner.

Q. Now, where did you have an agreement to meet? You said, now, you meet me at a certain place—where was that?

A. Which time are you speaking of?

Q. The very first time.

A. I believe the first actual meeting was in the lobby of the hotel.

Q. All right. So you met him there and talked very briefly to him?

A. I didn't say I talked to him at all, sir.

Q. Well, did you nod to him?

A. I don't think I nodded to him, no, sir.

Q. Well, you said the first time you met him was in the lobby of the hotel. What did you do with him, how did you meet him?

A. I didn't—I didn't do anything with him. He wanted to see who was with me because Mr. Tweel or Mister whatever his name was by then, I don't know, he was supposed to be identified by him.

Q. Well, do I understand you correctly, and I am not [fol. 3606] trying to repeat myself, but it's the answer that you give that requires me to keep asking this, Mr. Partin. Do I understand you to say that the first time you did meet then Mr. Sheridan was in the lobby of the Andrew Jackson Hotel?

A. As far as I can remember it was, yes, sir, because some of that times on the street wouldn't be a meeting in that sense.

Q. All right. Was there a hand shake between you?

A. No, sir.

Q. Was that the time that you recognized Mr. Sheridan or you were given a signal to know who Mr. Sheridan was?

A. I don't think I even recognized him then. I saw some people walk in who I recognized one time later as him.

Q. How do you know then that you met Mr. Sheridan in the lobby of the hotel then?

A. Because.

Q. If all you saw was people.

A. Because evidently when they checked Mr. Quinn out or Mr. Tweel or whoever it was they found out they was the people and that is, they was trying to find out who he was, Mr. Tweel or Mr. Quinn or whatever his name was.

Q. You say you were taking those people out into the lobby?

A. No, sir, I was in the lobby.

[fol. 3607] Q. I am still going to ask you again, please, sir. What statement did Mr. Sheridan make to you about meeting you somewhere in a car somewhere in Nashville the first time if you hadn't already met him?

A. I think that that was the first time he told, he asked me what I was wearing, what I would have in my pocket he could identify me with because he didn't know me and when he came in he would recognize me.

Q. All right. And that is all he told you?

A. To be by Mr. Quinn, we talked there usually—

Q. (*Interposing*) About the meeting, sir?

A. Yes, sir.

Q. So all he asked you is what you were wearing and nothing else?

A. No, he would certainly have to ask me who the man was I was supposed to be there with so he could see who it was.

Q. Did you have anybody with you when you went to the first meeting with Mr. Sheridan at the car or somewhere else on the street?

A. No.

Q. All right. All you told Mr. Sheridan was what you would be wearing?

A. That is correct.

Q. And nothing else transpired about that on that tele-

[fol. 3608] phone conversation?

A. What do you—will you tell me what you are asking? I don't know whether you mean what we talked about or what we were supposed to do or about what I was wearing or what.

Q. Mr. Partin, I am asking you a very simple question, I think it's simple.

A. I know.

Q. I am asking you in your telephone conversation with Mr. Sheridan wherein you arranged to meet with him at a car or somewhere in Nashville, didn't you state that all

you discussed was what kind of clothes you would be wearing and a handkerchief?

A. And who he was to meet or see who was there, of course, it wouldn't be any purpose for him to walk in the lobby and say, "There he is."

Q. Who was there wouldn't have anything to do with you meeting him, would it?

A. It was his purpose of being there.

Q. Do you mean that you had to have the name of some defendant before you would be able to walk out on the street and meet Mr. Sheridan?

A. That was, I imagine, in regard to the violation of the law, he wouldn't have any purpose of meeting anyone else I was with unless they had done something for him to be there for.

[fol. 3609] Mr. Berke: If your Honor please, if the Court thinks at this time that the Court should speak to the witness I am willing, otherwise I am going to continue until I get an answer.

The Court: Mr. Partin, what, if any, instructions were given you by Mr. Sheridan as to where you would meet and talk with him the first time that you did meet and talk with him, which you describe as being in an automobile between the two hotels?

The Witness: Your Honor, that was after the meeting in the lobby.

The Court: Yes, I understand that and there has been some confusion about the meeting in the lobby. The question I am asking is directed to the—you met with him in an automobile?

The Witness: Yes, sir.

The Court: And talked with him?

The Witness: Yes, sir.

The Court: And were you alone at this time?

The Witness: Yes, sir.

The Court: Now, what instruction did he give you as to when and where and how you would meet him there at the automobile?

The Witness: He described the car he was in and told me to be walking down the street and I think it was in [fol. 3610] front of the Noel Hotel, to be on a certain side of the street and he would pick me up.

The Court: All right.

By Mr. Berke:

Q. Did you know where the Noel Hotel was?

A. Yes, I did.

Q. Had you ever been to Nashville before?

A. I don't think so, no, sir, unless I passed through it, I don't remember.

Q. How then, sir, did you know where the Noel Hotel was with reference to the Andrew Jackson Hotel?

A. Because I had met Mr. Sheridan there, Mr. Berke.

Q. Oh, I see. You had met Mr. Sheridan at the Noel Hotel so you knew about the Noel Hotel?

A. Yes, sir, that's what I said.

Q. All right. Now, when did you meet Mr. Sheridan at the Noel Hotel?

A. It was within the next day or two after the other meeting.

Q. Oh, I see. Because you met Mr. Sheridan at the Noel Hotel within a day or two after this first meeting you already knew where the Noel Hotel was?

A. You could see it from the street there, it was right around two or three blocks.

Q. But didn't you answer that you knew because you [fol. 3611] had met him in a hotel two or three days later?

A. I believe I did tell you that, sir.

Q. Yes, sir. But that was not the real reason, was it?

A. It wasn't?

Q. It wasn't the real reason why you knew where the Noel Hotel was?

A. I don't remember if it had been any other reason, whether he knew where I was at or not, except I heard the government was staying there by someone making the remark the government officials were staying there.

Q. All right. Now, you were in a telephone booth and it was dark after you had met Mr. Sheridan in the lobby of the Andrew Jackson Hotel by some means or method and you were making this call and it was nighttime, wasn't it?

A. If that's what you say.

Q. Well, am I right, isn't that your testimony?

A. I met him at dark so it must have been.

Q. Well, is dark nighttime?

A. I had called him prior to that also but I mean as far as the meeting, yes, it was dark.

Q. It was dark when you discussed about the meeting?

A. Um-hmm.

Q. Right?

A. Um-hmm.

[fol. 3612] Q. You hadn't been anywhere except at the hotel or to a telephone booth, maybe across the street from the hotel, that's the only place you had been to in Nashville, isn't that right, up until that time?

A. Maybe around the street walking or something, I don't know, maybe I walked down to the corner because I went down to the corner and ate sometimes.

Q. All right. You had just arrived there that afternoon, didn't you?

A. Around noon, yes.

Q. And you say you went to the corner to eat?

A. I didn't tell you that, sir, I said sometimes I did.

[fol. 3613] Q. I'm talking about the first day now that you got there.

A. We're talking about eating or Mr. Sheridan?

Q. I'm talking about eating.

A. I don't know if I went there the first day or not. Some of the other people involved—, well. I had been there several times.

Q. All I'm asking you, Mr. Partin, you can answer it very simply, from the time that you arrived at the Andrew Jackson Hotel, up until the time you talked to Mr. Sheridan you hadn't been out of the hotel unless it was to go to the telephone booth, had you?

A. I don't remember whether I had been out or not. If I did it wasn't anything of any importance I don't guess or I would have remembered it.

Q. All right, when you talked to Mr. Sheridan in the telephone booth did you go back up to your room?

A. I may have went and checked if I had some calls or went back up in the room briefly, yes, sir.

Q. All right, what did you do in your room when you got up there?

A. If I had any calls or anything I would call. I would use the phone, call the numbers if there was anything to call.

Q. Is that all you did?

[fol. 3614] A. As far as I know, yes, sir.

Q. All right. You went back downstairs, that is true, isn't it?

A. Yes, sir, I would have had to.

Q. You still didn't know where the Noel Hotel was, did you?

A. Are you asking me or telling me?

Q. Well, I'm saying you didn't know, am I right or am I wrong?

A. Why should I answer?

Q. How's that?

The Court: Just answer the question, Mr. Partin.

The Witness: Yes, sir, I knew where the Noel Hotel was.

By Mr. Berke:

Q. All right, had you seen the Noel Hotel before that time?

A. I imagine in walking I had seen it walking around. They are not very far from one another.

Q. Well, don't you know it is several blocks from the Andrew Jackson Hotel to the Noel Hotel?

A. I don't think it is several blocks. It might be two or three.

Q. It might have been two or three.

A. I don't think it is several.

[fol. 3615] Q. Could you see the sign of Noel Hotel from the Andrew Jackson Hotel where you were?

A. No, not from in the building, no, sir.

Q. Now, do you want the jury to believe that you had walked by the Noel Hotel that evening and knew where it was at the time you talked to Mr. Sheridan?

A. I didn't say I walked by the hotel. If I'm not mistaken the Noel Hotel has a big sign on top of it saying Noel Hotel.

Q. Did you ever see that sign that afternoon?

A. I don't know about the first day I saw it. I saw the sign on numerous occasions.

Q. But you didn't see it the first day, did you? You were confined to the Andrew Jackson Hotel?

A. No, sir, I wasn't confined there.

Q. Did you go anywheres and see the Noel Hotel sign?

A. I may have. I may have. I remember the Noel Hotel, though.

Q. All right, sir. Now, then, did he tell you what side of the street to be on?

A. Yes, sir.

Q. What side of the street did he tell you to be on?

A. I believe he told me to be walking down the right hand side of the street.

Q. On what street?

[fol. 3616] A. I don't know the names of the street, sir.

Q. Did he tell you the name of the street?

A. He told me the name but I don't remember the name of the street.

Q. And he told you to walk on the right hand side.

A. Yes, sir.

Q. Do you know what street it is now?

A. I said I didn't remember.

Q. You don't know the name of the street?

A. I said I didn't.

Q. What kind of a car did he say he would be in?
A. A Chevrolet.
Q. Did he give you the license number?
A. No, sir. Told me what color it was.
Q. What color was it?
A. I believe he told me it would be a blue. Dark blue.
Q. You are not sure about that?
A. No, sir. I'm not positive of it. He knew me.
Q. What time did you check into the hotel that afternoon?
A. It was around noon, sir. I believe I have stated before I didn't know because they were eating in the coffee shop.
Q. And did you see all the defendants there eating at [fol. 3617] the coffee shop?
A. No, I did not.
Q. What defendants did you see?
A. Mr. Tweel. Mr. Quinn at that time. Mr. Tweel. Mr. Anthony Quinn and Mr. Dorfman as he was at that time.
Q. All right, what other defendants did you see that same day?
A. I saw Mr. King. Mr. Hoffa.
Q. Anybody else?
A. Mr. Tweel later on again.
Q. Did you see any other defendants there?
A. I don't believe so, no, sir. I can't recall of it. I don't believe so.

Mr. Schiffer: Can the witness speak a little louder, Judge? We didn't get the last answer.
The Court: Yes, sir, speak out.
The Witness: I said I didn't recall. I didn't think so.

By Mr. Berke:

Q. What time did you see Mr. Hoffa there in the coffee shop?
A. I didn't say I saw Mr. Hoffa in the coffee shop.
Q. Where did you see him?
A. Up in his room.
Q. Do you know what time of the day that was?

[fol. 3618] A. It was after lunch when he got out of the court.

Q. Was that the only time you saw him that day?

A. No, sir, I don't think so. I would see him a lot of times going in and out of the lobby of the hotel when I would be sitting in the coffee shop.

Q. Is that the circumstances on which you saw Mr. Hoffa that October 22nd, just saw him coming in and out of the room there?

A. I believe I have told you twice I saw him in his room.

Q. I beg your pardon?

A. What did you say?

Q. You said you saw him twice.

A. I said I have told you twice.

Q. Told me twice what?

A. That I saw him in his room also.

Q. In his room also?

A. 740, sir.

Q. That is in his room?

A. No, it is not in his room. You are trying to confuse me.

Q. I'm not trying to—

Mr. Schiffer: I object to that remark and I ask that it be stricken and the witness directed by the Court to be responsive and not to give any orders in this room.

[fol. 3619] The Court: Let's proceed. Just respond to the questions yes or no.

By Mr. Berke:

Q. Being in court is not new to you, is it, Mr. Partin?

A. I have never been in front of a jury before in my life, sir.

Q. You have never been required to answer questions?

A. Yes, sir, I have.

Q. Have you always responded to the questions asked of you?

A. I have tried my best to.

Q. Except for today when you didn't answer my questions which you had a right not to do, did you always answer all other questions that were proposed to you when they were handed to you?

A. No.

The Court: In that respect, ladies and gentlemen of the jury, you will draw no adverse inference whatsoever from the fact that a witness might exercise his right not to testify as to matters under the Fifth Amendment. If— Well, I shan't take time at this time to explain to you the importance and the history of that provision of our constitution. But it is a constitutional right that is well-founded in reason and well-founded in history and one of the rights [fol. 3620] for which this country, our forefathers of this country, fought and you should draw no adverse inference from that.

By Mr. Berke:

Q. I believe in my question that said which you had a right to do and I'm conceding that.

A. Yes.

Q. Now, check your memory, is that the only time that you refused to answer questions?

Mr. Neal: Your Honor, this is our objection to that.

The Court: Sustain the objection.

Mr. Neal: In the most vehement terms.

The Court: Sustain the objection.

Mr. Branstetter: May it please the Court—

Mr. Neal: I think counsel should be admonished of that type of cross examination, Your Honor.

The Court: Let's proceed.

Mr. Neal: Not only that the inference that this witness has not been answering when I have stood up there and heard Mr. Berke, the witness will testify that he saw Mr. Hoffa in his room and counsel will say you say you only saw him in the corridor?

Mr. Berke: I didn't say that, if Your Honor please.

[fol. 3621] The Court: Well, we will proceed, gentlemen.

By Mr. Berke:

Q. Now, did you have any conversation with Mr. Hoffa on the first day you—

A. (Interposing) Certainly did.

Q. And where did that conversation take place?

A. Up in Mr. Hoffa's room.

Q. Well, he had a suite of rooms there, did he not?

A. Yes, sir, he did.

Q. Which one of the rooms do you say that this conversation took place in?

A. The one right inside the door of the one he slept in, or right close to it, in other words, you have got two rooms there. You turn in and you go around and you are in a big, large room, it is a door there. Right in that area.

Q. Was this in this large room?

A. No, sir. I don't think it was in the large room. It was right adjoining the large room.

Q. How many different conversations did you have with Mr. Hoffa that day?

A. I may have spoken to him later on but that is the only one of any distinction that we got into.

Mr. Silets: I can't hear, your Honor, if the Court please.

The Court: He said that was the only one of any dis-
[fol. 3622] tinction. He may have spoken to him on other occasions in the day.

By Mr. Berke:

Q. Do you remember having a conversation with Mr. Hoffa three days later on October 25?

A. Oh, yes, sir.

[fol. 3623] Q. Where did that conversation take place?

A. I would have to have some method of knowing the exact date before I could tie it in with it.

Q. I am giving you the exact date.

A. I mean—

Q. (Interposing) You gave the jury the exact date and I am giving you the date.

A. I was able to look.

Q. October 25th.

A. I was able to look at my notes which you had here for a minute.

Q. Notes? You mean there is some notes to remind you?

A. That you have, sir, here in the record on the hotel bills.

Q. All right. Let's say now that you checked in on October 25th.

A. You say I checked in on October 25th?

Q. Yes. If you checked in on October 25th, did you have a conversation with him on that date?

A. I had a conversation with him just about every date.

Q. All right, sir. Now, when Mr. Hooker questioned you you were able to relate every conversation, every time you arrived in Nashville, the subsequent days and so forth. [fol. 3624] Now I am giving you the date October 25th.

A. Uh-huh.

Q. 1962.

A. It's a lot of things I didn't tell Mr. Hooker that was in that could have been told that I didn't because I couldn't remember.

Q. Getting aside from that and, if you will, please—

A. (Interposing) Yes, sir, that's—

Q. (Interposing) Follow the instructions of the Court and answer the question.

A. That's either the date he told me he wanted me to pass something for him—

Q. (Interposing) On October 25th did Mr. Hoffa make a statement to you and didn't you testify that he did make a statement?

A. I believe I did. If I could see, I mean—

Q. (Interposing) Well, I can't show you the statement. You didn't take any notes, did you?

A. I'm not talking about the statement, no, sir, I am talking about the hotel record.

Q. Did you take any notes, Mr. Partin?

A. I answered you on that long ago, no.

Q. Answer me again, sir.

A. I said no, sir.

Q. Did you have any kind of recording machine or [fol. 3625] something to take down everything that you heard so you could review and impress your mind with it?

A. No, sir, I did not.

Q. Who has been talking with you about this case, sir, and about your evidence?

A. When, sir, when do you mean?

Q. Anybody since you have talked to Mr. Sheridan?

A. I have talked to Mr. Hooker.

Q. When did you talk to him?

A. Before I came on the stand.

Q. Was that the only time that you talked to Mr. Hooker?

A. Since then, yes, sir.

Q. In other words, that one time just before you took the stand was the only time that you talked to Mr. Hooker?

A. I didn't say that. You asked me when did I talk to him before I came to the stand.

Q. Well, Mr. Partin, I think you are trying to play on words and I am—

Mr. Hooker: (Interposing) We object to—

Q. (Continuing) —I'm asking the question and answer the questions.

A. If you will ask me a specific question I will answer. [fol. 3626] Q. I am asking you, is that the only time or is that the first time that you talked to Mr. Hooker?

A. No, sir.

Q. Before you got on the stand?

A. No, sir.

Q. All right, sir. Where was the first time that you talked to Mr. Hooker or any other government attorney?

A. I believe I met Mr. Hooker first in Atlanta.

Q. When?

A. To the best—after the trial here, after the trial in Nashville.

Q. How soon after the trial in Nashville?

A. It was several months later, several months.

Q. Do you remember what month it was?

A. No, sir, I remember where I met him, though.

Q. Do you know what season it was?

A. It would be during the summer months, yes, sir.

Q. All right. Now, when do you say the summer season begins?

A. I don't know that, sir, I'd have to look at the calendar to tell that.

Q. You mean you don't know when summer begins yet you are willing to tell the jury that it was in the summer season?

A. I certainly am.

Q. All right, sir. Do you know what months there are [fol. 3627] in the summer season?

A. No, sir, I don't.

Q. Do you know any one month that is in the summer season?

A. Oh, yes.

Q. What months?

A. June, July.

Q. Is all of June in the summer season?

A. I am not an authority on that, sir. I don't know.

Q. All right. Now, is that the first time you talked to Mr. Hooker or any government attorney about this case?

A. No, I talked to Mr. Neal, I am sure, prior to that.

Q. When did you first talk to Mr. Neal?

A. I don't remember whether it was in Nashville when I went in front of the Grand Jury or which one it was I talked to afterwards.

Q. Now, you see, I didn't ask you where, I just asked you when. Can you fix the time with reference to any event?

Mr. Neal: Your Honor, that's exactly what he was trying to do.

The Court: All right.

A. It would have been close to the Grand Jury hearing I'd say.

[fol. 3628] Q. Would it be before or after?

A. Afterwards, I believe.

Q. Are you not sure about that?

A. No, sir, I am not sure about it.

Q. Isn't that closer in time than the events which you testified about in October, November, and December, 1962?

A. Well, I can answer you that if I can qualify my answer.

Q. Well, just answer it yes and then qualify it, if you wish to, but I think you can prevent rambling on because that calls for asking more questions.

A. Yes, sir, I can prevent that.

Q. All right.

A. Yes, because I remember the reasons. I don't remember too many details because Mr. Buffalino gave me the Fifth Amendment to take in front of the Grand Jury.

Mr. Schiffer: Move the answer be stricken, your Honor, as not being responsive at all.

Mr. Silets: Your Honor—

Mr. Schiffer: (Interposing) Another voluntary statement.

Mr. Silets: Your Honor, I move a juror be withdrawn and a mistrial be entered, that's highly prejudicial and the witness knew it and he injected it for the purpose of prejudicing this jury.

[fol. 3629] The Court: Overrule the motion.

Mr. Branstetter: The Defendant Campbell joins in the motion for a mistrial or a severance, may it please the Court.

The Court: Overruled.

Mr. Schiffer: The Defendant Parks makes the same motion.

The Court: Overruled.

Mr. Alexander: The Defendant Tweel also.

By Mr. Berke:

Q. In view of that,—

The Court: (Interposing) Just a moment, gentlemen. I will take these one at a time. I thought we understood it

would stand for all defendants, it will be overruled as to all defendants and the jury will disregard the question and the answer.

Mr. Berke: Just a minute. I understood your Honor overruled the objection.

The Court: I overruled the motion, those motions that were made on behalf of each defendant.

Mr. Berke: But the question and answer stands?

The Court: No, the question and answer is stricken.

Mr. Berke: Oh, it is stricken. All right, your Honor.

[fol. 3630] By Mr. Berke:

Q. May I ask you again, sir, in point of time when you first saw Mr. Neal?

A. It was during the Grand Jury hearings immediately before or immediately after because I only stayed in a little while.

Q. Well, the Grand Jury hearings lasted for several months, did they not?

A. That I appeared I'm talking about.

Q. How is that?

A. My appearance in the Grand Jury.

Q. I didn't hear you.

A. I said in regard to my appearance before the Grand Jury.

Q. Do you know when you appeared?

A. No, sir, not unless I could see something to tell me, I am not—I don't know the exact date, no, sir, I don't.

Q. Now, you came out with some story about a Billy Wade, an All-American football player?

A. Uh-hmm.

Q. When did that conversation take place?

A. Shortly after I got to Nashville. Those things are distinct because I know the people, even though I may not know the dates I know the people in the conversation.

Q. All right, sir. And you got to Nashville on October [fol. 3631] 22nd?

A. Yes, sir.

Q. Now, was it that day, was it the next day, or can you tell us when it was?

A. It wasn't that day or it wasn't the next, it would be two or three days later on that.

Q. Was it on your first visit when the jury was the primary function, was it on your first visit?

A. No, sir.

Q. To Nashville?

A. No, sir.

Q. Was it on your second visit to Nashville?

A. I don't think so, it could have been on the last part. My hotel record will show that.

Q. On your last visit to Nashville?

A. I didn't say that, I said on the last part of my second visit.

Q. The last part of the second visit. All right, sir. How many days did you stay the first time?

A. I'd have to look at the hotel record to tell you, sir.

Q. Do you know how many days you stayed the second time?

A. I would still have to look at the hotel records, I couldn't swear to it.

[fol. 3632] Q. All right. I will show you Exhibit No.—I have it here, your Honor. I will get the first hotel bill, October 22nd.

The Court: Exhibit No. 98.

Mr. Dale: 94, your Honor.

The Court: 94.

Mr. Berke: Thank you.

By Mr. Berke:

Q. And will show you the next exhibit, which will be the first two visits.

Mr. Dale: It will be 98.

The Court: 98.

Mr. Dale: Is the Robertson, James Robertson.

Mr. Berke: Thank you, Mr. Clerk.

By Mr. Berke:

Q. Will you show that to the witness and let him look at it and see which one of these two visits it is that you had a conversation with him about Billy Wade?

A. It wasn't either one of these, sir.

Q. How can you tell by looking at that that it wasn't?

A. Because I remember having a stay in the James Robertson Hotel, sir, and separate it from that and the first day was confined to what I said, the second day was confined to the other part of it is the reason that I know that.

Q. Well, which day do you say now it is that you say you [fol. 3633] talked to Mr. Hoffa about Billy Wade?

A. If I could look at the next hotel bill I could probably tell you.

Q. Would you have to look at a bill, couldn't I just give you some dates?

A. No, sir, you couldn't because the dates—

Q. (Interposing) What is there about the bill or what markings is there about the bill that would give you the information that you are looking for?

A. It's no markings, sir, it's just the events that happened. I can't remember the dates, but I do remember what happened. I have to kind of tie them in because I can't swear to a date but I can swear to what happened.

[fol. 3634] Q. Do you mean just by looking at the date on a bill that you can tell the events that occurred?

A. I can tell the events that occurred close to those bills a lot better than I can you asking me the dates over there.

Q. If I just wrote on a piece of yellow paper the dates that you stayed at the hotel could you tell from that if you didn't have the bills if I just gave you the same information?

A. If you would give me the same information there it would be just as good to me, sir.

Q. All right, sir. Mr. Clerk, may I have the hotel exhibits, please?

The Clerk: Which ones?
Mr. Berke: All of them.
The Clerk: No. 99 through No. 107, Your Honor.

By Mr. Berke:

Q. All right, sir. I would like to show this to the government and let them compare the dates.

Mr. Hooker: I'm sure you have got the dates right but this doesn't, if Your Honor please, furnish the information of the name of the hotel.

Mr. Berke: They are all there except the second one is the James Robertson, right? All of the rest of them are the Andrew Jackson Hotel?

[fol. 3635] The Witness: Yes, sir, but your local telephone calls I made to Mr. Wade would have to be on the telephone bill where I could tell you for sure on the dates. It would show on the bill.

Mr. Hooker: If the witness wants to refresh his recollection he is entitled to see the exhibit, if Your Honor please.

Mr. Berke: If Your Honor please, on cross examination I think we are entitled to go into how he secures this information.

The Court: Well, let's proceed. Not argue.

Mr. Berke: We would like to offer that for identification.

Mr. Hooker: Of course, we can't tell whether they are right without looking at the exhibits. I didn't look at them. I just accepted Mr. Berke's statement that the dates were right. I am sure they are.

Mr. Berke: Subject to correction.

The Court: If that helps refresh his recollection, he can say so.

Mr. Berke: All right, I would like to pass that to the witness and introduce that in evidence.

The Clerk: No. 115, Your Honor.

(The yellow piece of paper referred to above by Mr. Berke was marked Exhibit No. 115 for identification only.)

[fol. 3636] The Witness: Without looking at the telephone date on that I couldn't pin it down to the exact date, no, sir. I can tell you which one I thought it was on but it would have to be a local call.

By Mr. Berke:

Q. Would this have to be a hotel bill, sir, that you would have to look at to see when you made a long distance call?

A. No, it would have to be on the hotel bill if I made a local call. But I didn't make very many local calls. I would pretty close identify it with that local call on the bill.

Q. How many local calls did you make?

A. I didn't make very many. Most of them were long distance.

Q. Can you tell us how many you made?

A. No, sir, I couldn't. I could look at the bill and tell you.

Q. I will ask you to look at what you are trying to look at now and that is Exhibit No. 94. Now you say you remember the phone calls, how many local phone calls are there on that first date?

A. Well, it all depends on how much they charge. It is eighty cents for a phone call. I don't know if that is long distance or not. It doesn't say long distance. It says phone [fol. 3637] eighty cents. It is twenty cents a call that would be four calls that day.

Q. Who did you make those calls to?

A. I may have made to Mr. Sheridan on one of them. I may have called another room or something. I don't know, another hotel or something.

Q. How would looking at the phone bills tell you what persons that you called?

A. Because I remember calling Mr. Wade and then trying to call Chicago trying to get ahold of him afterwards.

Q. Will the long distance calls show what city on these exhibits that you called?

A. I don't see how they would, sir.

Q. Well, how then would seeing the exhibit help you identify that you made a long distance call to Chicago?

A. I didn't make them long distance calls to Chicago from the room. It wasn't completed so it wouldn't be on the record anyway.

Q. So how would that be of any help to you?

A. I didn't call long distance sometimes. I made a local call to Billy Wade's home in Nashville.

Q. Now, would you look at these exhibits and pick out what exhibits you say will refresh your memory that you called Mr. Wade and I believe you also said a Phil King, did you not?

[fol. 3638] A. No, sir, I didn't say I called Mr. King. It would be during this visit or the first part of this hotel bill here, one of those times I was there that I called Mr. Wade.

Q. Well will you read the exhibit number? May I approach the bench? It would be easier to cross examine on this item if Your Honor please. May I approach the witness?

The Court: All right.

By Mr. Berke:

Q. You are pointing to Exhibit No.—, these two now right here?

A. That's correct.

[fol. 3639] Q. One, Exhibit No. 100 and the other one is Exhibit No. 99. Now, when you testified for Mr. Hooker you didn't have any doubt as to which bill it was, did you?

A. No, not exactly I didn't have any. About the dates I did. But the chain of event that led up to it I knew the sequence of what happened along the way and that fitted in pretty close to what he said.

Q. You had it pretty well rehearsed from event to event but when I scattered the events you can't answer it, can you?

A. If I had it well rehearsed you would have had a lot more than you have.

Q. Well, did you answer Mr. Hooker without any equivocation?

A. I said I think this is the time. He said what happened afterward? I said I think that is the time and so forth.

Mr. Schiffer: I can't hear the witness, your Honor.

By Mr. Berke:

Q. Are you telling the jury that on one of these things you told him you think that is right?

A. Some of them, all the trips to California and so forth. And Newark.

Mr. Neal: Your Honor, I object to this, as a matter of [fol. 3640] fact, it was the defendants who kept insisting on dates, dates, dates, and the witness said I think, yes. The witness is entitled to give his best recollection. You can't expect a man to give every date.

Mr. Schiffer: We object to the last statement.

The Court: Proceed, gentlemen.

By Mr. Berke:

Q. Now, sir, let you and I examine these two exhibits.

A. All right.

Q. And tell me what there is on these exhibits that you looked at that referred you to the telephone calls of Mr. Wade?

A. Yes, sir, I will be glad to. When I came in remembered the first time I came in when the question was asked of me by Mr. Hooker.

Mr. Silets: Your Honor, I can't hear a word.

The Court: Yes, that is the problem, Mr. Berke, of you standing there.

[fol. 3641] The Court: Yes, that is the problem, Mr. Berke.

Mr. Berke: Yes, your Honor.

The Court: Of standing there.

Mr. Berke: Yes. I would like for him to point out in these exhibits, if he would just point them out he could make his explanation later.

Q. Can you, while I am standing there, point to anything on these exhibits that leads you to say that is the time you had the Billy Wade conversation with Mr. Hoffa?

A. No, sir, I cannot without qualifying it to the jury so they could understand what I am talking about.

Q. Is there anything on these exhibits that you can point to or mark that will give you any hint?

A. The only thing—

Q. (Interposing) As to the time?

A. As I said, because of the events that happened and the sequence, when you take and throw them back there I would have to look at about when I was there to know when they happened because one happened after the other, I can name you off the events, one behind the other without the date, sir, it's easy if you would like for me to.

Q. I believe you can do that, sir.

A. I certainly can.

Q. If I started from the beginning and you had it rehearsed to the end, but I am talking about when I ask you [fol. 3642] individually you cannot do it, can you?

A. I certainly could come close enough that I would be honest about it, I wouldn't be trying to mislead you.

Q. Was Phil King's name ever mentioned?

A. Yes, it was.

Q. Now, you said one time that Mr. Hoffa took an Alka-Seltzer and you told us in the record what day it was. Can you now tell us what date Mr. Hoffa took an Alka-Seltzer?

A. If it was led up to me, I could tell about what time.

Q. If they led you right into it, you could do it?

A. They don't have to lead me, sir, I know what happened. I didn't say it on that date so and so would happen under no conditions was it different, I tried to go step by step the days I was there and the trips.

Q. Step by step?

A. Yes, sir.

Q. But can you tell us within three or four days even of when Mr. Hoffa took an Alka-Seltzer?

A. I can easily tell you when the bank witness was on the witness stand subpoenaed by the government to testify, when he came in from court that day he—

Q. (Interposing) You mean it takes somebody else's evidence to do that, not your own?

A. No, sir, my evidence.

[fol. 3643] The Court: Allow him to complete the answer.

Mr. Berke: If your Honor please, if you will instruct. I don't mind bantering with him, I can stay with him.

The Court: I believe, Mr. Berke, you interrupted.

Mr. Berke: I am sorry if I did. I am certainly sorry because I've let him answer completely and I want to apologize to you, sir.

The Court: All right.

By Mr. Berke:

Q. But the only question I am asking you, sir, if you can answer it, please, can you tell me within three or four days of when Mr. Hoffa took that Alka-Seltzer about which you testified so vividly in the record?

A. Yes, sir, it was three or four days short of maybe or more, maybe a day longer when he took it. Now, I have to qualify that, sir, I can't answer you without qualifying my answer.

Mr. Berke: If your Honor please, I think he should answer and then qualify it. We would get along better.

A. I did. I answered you, sir, but I want to qualify my answer.

Q. Can you tell us—

The Court: (Interposing) Just go ahead and answer, make any explanation.

[fol. 3644] Q. You can tell us. You can answer this yes or no.

A. Will you let me?

Q. Can you tell us within three or four days when Mr. Hoffa took the Alka-Seltzer which you said was so unusual, which impressed you?

A. Will you allow me to qualify my answer?

Q. No, I won't. If the Court will, it's all right, but I think you should answer and then qualify it. Can you, within three or four days, tell us when Mr. Hoffa took an Alka-Seltzer?

A. Yes, sir, I can.

Q. All right, now, give me the date within three or four days.

A. I didn't say I would give you the date. I said I would tell you the event that would tie it in with the date.

Q. Let me ask you again then so I can get a yes or no answer. Can you give me the date within three or four days of when Mr. Hoffa took that Alka-Seltzer?

A. If you are going to allow me to qualify it, I can.

Q. I think you can answer yes or no.

A. I am not—

The Court: (Interposing) State your answer, give any explanation you care to.

A. Yes.

[fol. 3645] Q. All right.

A. With qualification.

The Court: All right.

Q. Now, give us the date within three or four days.

A. If I came there on the 22nd, it would be within five or six days of the date I got there, I'd say about three days probably or maybe four.

Q. All right, sir, three from the date that you got to Nashville?

A. I said that's what I said I wanted to qualify my answer on. Now, I want to qualify my answer now.

Q. You didn't qualify your answer when you answered

that question from Mr. Hooker, did you, you answered outright and direct?

A. Well. Will I be allowed to qualify my answer?

Q. Will you please answer yes or no?

A. I haven't qualifed the other answer yet.

Q. I thought you had already qualifed and expressed—

The Court: (Interposing) Mr. Partin, just state your answer, don't ask about what you can do or you cannot do, just state your answer and make any explanation that you desire to make.

A. I said within—I would guess about four days because when the event was led up it fit with the banker witness being on, I remember it was about four days or five days [fol. 3646] after I was there, somewhere along in there.

The dates wasn't important to me at the time because I wasn't keeping the dates and I wasn't keeping notes, I was turning over the information to someone else, they were keeping up with that, not me.

Q. You have exhibits which I have given you, the yellow page. Wouldn't the first two visits, cover the first three or four days?

A. I believe you have it back, sir.

Q. Well, you have the yellow page there which gives you the information. Wouldn't the first two checkins at the hotel cover three or four days? Can you answer that, Mr. Partin?

A. It wouldn't be in the first two checkins, in my opinion, I think it was in the third, in the third time, around the 28th, in that period.

Q. So you couldn't give me—you couldn't give me a direct answer then within three of four days, can you?

Mr. Neal: Your Honor, he is arguing with the witness.

The Court: Sustain the objection.

Mr. Silets: Your Honor, I must indicate that I saw Mr. Neal indicate approval when the witness gives the right answer as Mr. Neal desires it and in the presence of the jury. He knows that is improper.

[fol. 3647] Mr. Neal: I apologize if I was doing that, your Honor.

The Court: I sort of gather you gentlemen have chosen up sides in this lawsuit.

Mr. Berke: Yes, your Honor.

The Court: I think some things you approve of and some things you disapprove of.

By Mr. Berke:

Q. See if you can answer this question, sir: Did you or did you not testify that the date that he took the Alka-Seltzer, and I am not saying I am giving you the right date or the wrong date, did that occur on October 30th, which would have been eight days later?

A. Well, that would have been within the period I gave you so it would have been correct.

Mr. Schiffer: I can't get the answer, we just can't hear him over here. I am sorry.

The Court: All right. Continue to keep your voice up then.

The Witness: Yes, sir.

By Mr. Berke:

Q. Now, you told Mr. Hoffa that Judge Miller in Nashville had information about something in connection with a jury and that he was using profanity?

A. Do what now?

[fol. 3648] Q. Did you say anything about somebody went to Judge Miller and told him something about jury tampering and that Mr. Hoffa was made and used profanity?

A. I don't remember that, I mean if it was I don't remember, I don't remember going to a Judge.

[fol. 3649] Q. I didn't say you went to a judge. Did you tell the jury, and you used some profanity, mild profanity, that the dirty blank-blank told the judge?

A. Oh.

Q. About $10,000?

A. Yes, I did.

Q. All right. When do you say that Mr. Hoffa told you that?

A. It was right after—right after I checked in, the reason I remember this distinctly, sir, if you wonder, is because I was in the James Robertson Hotel and I left from there and went over there, that's the distinction I can remember.

Q. Was that on the day that you arrived?

A. Yes, sir, it certainly was.

Q. And you remember that?

A. Yes, I do because I was in a different hotel.

Q. As a matter of fact, the headlines came out in the paper, did it not, about this incident?

A. I never read in the paper before I had seen him, I don't remember whether I even read it.

Q. Now, can you fix the date when that occurred?

A. Yes, sir, I can come closer to it than I can some of the others because the 22nd, the 23rd, it was—if you would allow me to look at this I can tell.

[fol. 3650] Q. Yes, sir, I will allow you to look at it.

A. It would be the 25th, according to your notes here I am—I mean I am going from your notes.

Q. All right.

A. Okay.

Q. It would be the 25th?

A. Yes, sir.

Q. Don't you know, sir, that that occurrence occurred on the 26th when Judge Miller announced in court that for the first time that information had come to him?

A. I don't doubt that.

Mr. Neal: Your Honor, that's not accurate at all and the records of the last trial will show it and this is not what this witness is testifying to. He is testifying to what the Defendant Hoffa said to him.

The Court: Let's stay within the record if you are going to ask.

Mr. Neal: I can establish that that is not an accurate statement on the record of the last case.

Mr. Berke: I have got the record and I have the page numbers if you want.

Mr. Neal: If you will check it you will see October the 24th in a conference in chambers in which I can tell you the people present October the 24th, 1962.

Mr. Branstetter: Now, may it please the Court, I don't [fol. 3651] know what counsel here is arguing about because I wasn't in that case and the Defendant Campbell wasn't in that case and I move the Court for a mistrial as to the Defendant Campbell at this time. This continual argument back and forth as to what one did here or somewhere else is highly prejudicial.

The Court: Overruled.

[fol. 3652] Mr. Neal: Your Honor, the only point I am making, it is difficult to be cross examined. Mr. Berke has a right to cross examine.

Mr. Schiffer: Object to those statements at this time on the part of counsel. This has an improper effect upon the jury. Pardon me, may I finish my objection?

Mr. Neal: I thought—

Mr. Branstetter: May it please the Court, I thought I was first.

Mr. Berke: I don't know what I am doing here.

The Court: Well, I know what we are doing and that is we are going to proceed, gentlemen. Overrule all objections on both sides.

Mr. Neal: Your Honor, may we have the question read back? I think your Honor will see that he is asking something that doesn't pertain to this witness' testimony. This witness merely testified what the Defendant Hoffa said.

Mr. Branstetter: I am still objecting to what I said I have a motion for a mistrial on the desk at that time.

Mr. Schiffer: The Defendant Parks objects.

The Court: The motions are overruled and we will proceed, gentlemen.

By Mr. Berke:

Q. During this period of time, Mr. Partin, you were under [fol. 3653] considerable pressure, weren't you?

A. Well, I wouldn't say that I was under any more than extraordinary pressure because ever since I've been a Teamster I've been under some kind of pressure.

Q. And you've been a Teamster how long?

A. Since 1947, I believe.

Q. Now, during this period of time you had more charges placed against you than at any other time in your life, did you not?

A. As far as being charged, yes, sir. Since I was affiliated with the Teamsters.

Mr. Silets: I didn't get the balance of that question.

Mr. Branstetter: May it please the Court, this witness says again because I was affiliated with the Teamsters. Now, one of these defendants here that I represent is also affiliated with the Teamsters and I object to the side remarks continually being made by this witness. They are either put up or acknowledged or this person is experienced at this kind of thing and anybody can observe that and I move for a mistrial again.

Mr. Silets: Your Honor, my client isn't even a Teamster and all of this conversation is patently prejudicial to him and I also move for a mistrial.

Mr. Alexander: We're in the same position as Mr. Silets, [fol. 3654] your Honor, our man is not only not a Teamster but he is anti-labor.

The Court: Well, disregard the argument of the attorneys, ladies and gentlemen, overrule the motions.

Mr. Neal: Your Honor, may we object to it being repetitious? It has been gone over.

Mr. Berke: It is not repetitious.

The Court: Overruled. Are you referring to the question or the objection as being repetitious?

Mr. Neal: No, your Honor, I was referring to Mr. Berke's questions.

The Court: Well, it is overruled in any event.

Mr. Neal: All right, sir.

By Mr. Berke:

Q. Mr. Partin, what were you coming to Nashville for?

A. I can answer part of it but I can't answer the other part, sir.

The Court: Just give the answer the best you can. If you can't answer say so.

The Witness: He had told me he wanted to talk to me and that we had a strike going on at the Louisiana Creamery and we were supposed to use that for an excuse to come up there. That is what he told me to use it for as an excuse when I come in case anyone questioned me.

[fol. 3655] By Mr. Berke:

Q. Was that strike still going on at that time?

A. Oh, yes—no, the strike hadn't started at that time. It was in regard to negotiations that had broken off. The strike is still going on now.

Q. But there was no strike called at that time?

A. No, sir, it wasn't called at that time because I wasn't there to negotiate. I was here at Nashville.

Q. In fact, the strike did not occur until when?

A. January 3rd.

Q. What year?

A. 1963.

Q. All right. So in October, the strike didn't have anything to do with it, did it?

A. No, it wasn't at my request to have a Louisiana Creamery injected into it. It was Mr. Hoffa's idea to use that as an excuse.

Q. So then tell us again what was your purpose in going to Nashville?

Mr. Neal: Your Honor, hasn't he testified on business matters and personal matters?

The Court: Overruled. Answer it again.

The Witness: Business matters and personal matters, sir.

By Mr. Berke:

[fol. 3656] Q. You agree with Mr. Neal then?

A. Well, he agreed with what I said the other day so I am just agreeing with him.

Q. Yes, sir. Now, what business matters did you have to attend to?

A. I wouldn't have known until I got there and talked to him, as far as what he wanted me to do.

Q. What personal matters did you have to attend to?

A. Well, that is one that he wanted to discuss with me that I can't answer you, sir.

Q. Was this personal between you and Mr. Hoffa?

Mr. Schiffer: Pardon me, Mr. Berke.

Mr. Berke: Go ahead, I am sorry.

Mr. Schiffer: At this time, your Honor, so far as the Defendant Mr. Parks is concerned I submit, your Honor, that we want this witness to tell the entire story, not keep back from this jury anything. As far as Mr. Parks is concerned we take that unequivocal position, your Honor, we believe it is manifestly unfair for this witness to give an answer that leaves an influence of something dirty and illegal which is something he don't want to talk about. It may involve Mr. Parks, if it does, let him say so. But we want him to give a full answer and not these half innuendoes.

The Court: At this time the jury may be excused.

(Thereupon, the jury of 12 and 4 alternates were excluded [fol. 3657] from the courtroom and the following proceedings were had, to-wit:)

The Court: Mr. Partin, does this matter in any way relate to any matters upon which the Court gave you instructions this morning?

The Witness: Indirectly, sir, yes, because it was the end of a conversation that started several months before. I mean, part of the conversation got into it, indirectly it does, yes, sir. The conversation started several months before but some of it was brought into that.

Mr. Berke: If your Honor please, I think he can answer and still leave that part off, if your Honor please, to comply with the Court's ruling but not to hide behind a ruling and to do anything at all about it. I think he should just go on and state what personal matters he wanted to discuss or thresh out with Mr. Hoffa.

* * * * * * *

[fol. 3658] By Mr. Berke:

Q. Mr. Partin, are you telling us now that without having these hotel bills in front of you that you cannot relate any of the conversations that any of the parties had unless you had that in front of you?

A. No, sir, I can relate all of the events, I may not put them in line like you want me to because they was given down but I know the events in their entirety, the dates, I didn't keep dates and things myself, I just refreshed my memory from the hotel, you know, the hotel records and try to go from them on the events.

Q. The events as they relate to the different counts of the indictment?

A. No, I wouldn't—, I don't know anything about the counts of the indictment, sir, I am talking about what I gave [fol. 3659] to Mr. Sheridan.

Q. Now, Mr. Partin, you remember you have testified here before this Judge Wilson right here on a legal matter that we had here when we questioned you in the absence of the jury and you were asked if you recalled the incident of December 5th, I believe it was the 4th or 5th, when Mr. Hoffa was shot in the courtroom in Nashville. Do you remember that and you said you were there?

A. I said I was there, yes, sir, I was there when he was shot at with a pellet gun, yes, sir.

[fol. 3660] Q. Now before Mr. Hooker had an opportunity to present these hotel things to you, didn't you tell us and lead His Honor here to believe that you were in Nashville from October 22nd clean up until the time of the shooting each and every day?

A. No, sir, I did not.

Q. All right, I will read you here from Page—

Mr. Brown: Your Honor, I object to Mr. Neal indicating to the witness sitting over there and shaking his head back and forth.

Mr. Berke: Mr. Neal, if you can, I would appreciate it if you can restrain yourself.

By Mr. Berke:

Q. I'm going to ask you on Page 3033 of this record in this case if you were asked this question byMr. Branstetter. Stand up, Mr. Branstetter, so that there will be no question about it. (Mr. Branstetter standing.) This gentleman right here. Do you remember him asking you questions?

A. Yes, sir, I remember him well.

Q. And he asked you this, "Question: In order to refresh your recollection you were in Nashville registered at the Andrew Jackson Hotel, beginning October 22nd?"

And then you answered, "Answer: If that is the same receipt."

Do you remember making that answer?

[fol. 3661] A. I believe I do.

Q. All right. "Question: This is the same receipt?

"Answer: That's correct, sir.

"Question: And you were still in Nashville on December 5th?

"Answer: I will have to look on it."

This is your answer. "I will have to look on it to be sure."

Did you answer that way?

A. I probably did, sir, if you read it there.

Q. Well, then he asked you this question, "Question: Well, could I ask you this, do you recall to refresh your recollection, do you recall a shooting in a room in Nashville?"

And you answered, "Answer: Yes, I do."

A. I do.

Q. Is that right?

A. I do.

Q. "Were you present then?"

A. Yes, sir, I was.

Q. Yes, I was, exactly the answer you made.

A. Yes.

Q. Then this question, "Question: Had you been present each day from the 22nd through the 5th or the 4th whenever this occurred?"

And didn't you answer, "Answer: I would guess I had, [fol. 3662] sir. I couldn't remember."

A. I did answer that. He said in the courtroom when I was there whether every day my understanding was he meant did I go to the courtroom every day which I said I guess I did. I don't remember if I missed any.

Q. Then you were asked, "Question: Each day you were staying at the Andrew Jackson Hotel. Is that correct?"

"Answer: I guess so."

Well, do you guess so or do you know?

"Answer: Well, I had stayed in other places also, Mister."

"Question: And you returned to the Andrew Jackson Hotel in the evening?"

Were you asked that?

A. Yes, sir.

[fol. 3663] Q. Then you answered, "I may have went to a show, I may have went downtown or somewhere else, I don't know if I went immediately or I went after I went to the show or whether I ate or what."

Then question, "Well, did you return to the hotel each evening?

"I would have to say yes, I was staying there."

A. That is correct.

Q. Why didn't you tell the Court and defense counsel before all of these exhibits were introduced by Mr. Hooker that you had checked in and out of the hotel 10 or 11 different times?

Mr. Neal: Your Honor, I object to that. No one is in doubt as indicated on page 3049 of the transcript, the Court asking this witness, and this is the Court's question: "And you were in the courtroom every day you were in Nashville that the trial was in progress?"

Again, "And you were in the courtroom every day you were in Nashville that the trial was in progress?"

Now, there was no doubt about it, Mr. Berke is trying to—

Mr. Branstetter: (Interposing) May it please the Court, I object to counsel trying to argue the case at this point on cross examination at this particular time and Mr. Neal is trying to present matters—

[fol. 3664] The Court: (Interposing) Overrule the objection. The witness can make any explanations.

By Mr. Berke:

Q. So you did tell Mr. Branstetter that you were in Nashville every single day from the 22nd up until the time of this shooting?

A. If I did I didn't answer him in that way, no, sir, the answer wasn't intended to be that way.

Q. And, of course, if at that time you hadn't seen a single one of these hotel registers, which on that morning Mr. Hooker had in his file, did you at that point, you didn't have the benefit of these records?

A. Well, I would have seen them when I checked in or out, I had records myself.

Q. Do you need to look at these markings at the top, at the top of the thing in order to get a clue from what you had to testify?

A. No, sir, I am not getting a clue to the dates, I am getting a clue to the events regardless of dates. I know what happened.

Q. All right, sir. Now, I have folded down one of these hotel bills that does not—where you cannot see the markings.

Mr. Neal: Your Honor, I still want to object to the last question and answer. I didn't understand what page you [fol. 3665] were citing from, sir.

Mr. Berke: I will read it again.

The Court: Well, let's move along.

Mr. Neal: According to my transcript here one hotel bill shows him checking in and out is already in evidence.

Mr. Berke: Those were his answers. I have just read them exactly as they were in the record.

The Court: Well, it's not possible to go back and read the entire previous transcript. At this time reading portions of it may or may not reflect what was said.

Mr. Berke: May I approach the witness, your Honor?

By Mr. Berke:

Q. Now, with the top having folded down, where you can't see the markings on top, look at this here and tell us what conversations with what defendant was had on what days just by looking at that record there?

A. I wouldn't attempt to and swear to the dates without knowing the events that led up to it step by step, I wouldn't attempt to because I reported them as they happened and that's the reason I remember them as they happened.

Mr. Berke: May I let the record show that I have shown this witness Exhibit No. 100.

[fol. 3666] By Mr. Berke:

Q. To be absolutely sure, Mr. Partin, can you recall one little incident, I don't care how minor it is now—wait a minute, you are folding that back up there.

A. November 4th.

Q. Just a minute, let me give you another one. I have asked you not to do that, there are some markings on there, isn't there?

A. Well, if they are I would like to know where they are. Maybe I could answer you.

Q. Why did you fold that back up, sir, when I specifically asked you not to do it?

Mr. Neal: Now, your Honor, that was an improper remark that there are marks on here. I ask that it be stricken and I ask this be shown to the jury and let the jury see whether there are marks.

Mr. Berke: If your Honor please, this is not the time to argue the case.

Mr. Neal: I think it's not the time to make suggestions to the jury that there are some markings on an exhibit here.

I suggest that it be shown to the jury to see whether there has been any markings on there or not. I suggest that, Mr. Berke.

The Court: All right. Allow it to be introduced.

Mr. Neal: Apparently he doesn't want to show it to the [fol. 3667] jury.

Mr. Berke: The jury will have ample time to see it, but I don't want my cross examination interrupted at this time.

Mr. Neal: Well.

Mr. Branstetter: May it please the Court.

Mr. Neal: He made the remark, your Honor, I would like the jury to see whether there's markings on that or not.

Mr. Branstetter: May it please the Court, I think the matter should be taken up in the absence of the jury or we be permitted to state to the Court with the witness absent exactly what is being referred to as marks. I don't mind doing it in front of the jury if Mr. Neal wants it done.

Mr. Neal: Let the jury see what Mr. Berke referred to as marks on an exhibit.

Mr. Berke: If your Honor please, if I get through with this line of questioning, if your Honor please, I have no objection to the jury seeing these exhibits, but I just don't want to be interrupted. I would like to continue my cross examination on this particular field.

The Court: All right. Well, let's proceed and let's stay within the record.

Mr. Neal: Then we move that the statement of Mr. Berke's about marks on the exhibits be stricken since he [fol. 3668] doesn't want to show it to the jury.

Mr. Berke: Now, if your Honor please, that—

The Court: (Interposing) Disregard that.

Mr. Berke: That is likewise a misstatement and I ask the Court to instruct the jury to disregard that. I never did say I didn't want the jury to see it. I do want them to see it after I have had an opportunity to develop this line of cross examination.

[fol. 3669] The Court: Proceed.

By Mr. Berke:

Q. Now, I will hand you Exhibit No. 99 and this is folded down, will you please now not unfold that.

A. Well, you can hold it.

Q. Let it set right there and look at Exhibit No. 99 and tell us what defendants said what to who and where and when as you did when Mr. Hooker presented that exhibit to you.

A. Would you want to put the other one down, sir, with it so I can go forward to it?

Q. I want you to look at that exhibit and see if you can do that first, sir.

A. Well, let's see, the 28th—, yes, sir, that would have been some of the conversation with Mr. Tweel on the telephone. That would have been the conversation with Mr. Fields in that time. About having him in his hip pocket. Mr. Hoffa. It would be a conversation about the patrolman involved in that period of time. Would be a conversation that you recollected my memory on about a 60-year old juror that lived out in the country. Had an 80-year old mother.

I think that would all fall along in that time. If I could have went forth from the first day I could have given it to you event by event.

Q. All right, sir. What is the date of that exhibit that [fol. 3670] you looked at now, the beginning date and the ending date?

A. You have the beginning date folded up, I believe the 31st.

Q. No, sir, you are looking at the top date.

A. October 28 is the top date?

Q. Yes, sir.

A. What was the question, sir?

Q. And what is the ending date?

A. October 31st.

Q. Anything else you remember happened that time?

A. If it wasn't taken step by step I couldn't remember in detail, no, sir, because the events happened step by step.

The information I had was turned over to Mr. Sheridan step by step. He didn't tell me to keep the dates and time and place. I assumed he would do that. So the events as they happened will refresh my memory step by step regardless of the dates.

Q. Since the Grand Jury has returned an indictment in this case, how many different times have you talked with government attorneys concerning this case?

A. Would you allow me a minute to think, sir, so I can get it close as I can?

Q. Yes, sir, take all the time you wish if it is all right with the Court.

[fol. 3671] A. I guess you are speaking about the two gentlemen, three gentlemen there whoever it is sitting across from you?

Q. Or any other government attorneys.

A. Do you mean asking questions or what?

Q. I think my question is clear, sir.

A. Just talked about the case?

Q. Well, I—

A. (Interposing) Well, I would guess over the period of, two of the dates was in Columbia, Tennessee.

Mr. Schiffer: I can't hear the witness, Your Honor.

The Witness: Two of the dates was in Columbia, Tennessee. I don't know the exact date of those visits. I believe once or maybe twice here in Chattanooga. Once or twice. Or maybe three times. I would say six or eight times over the period of time just guessing, just guessing.

By Mr. Berke:

Q. What other cities did they meet you in other than Columbia and Chattanooga?

A. To discuss the case, I think only Columbia and Chattanooga and may have been Baton Rouge one time but none of these gentlemen.

Q. Any other towns?

A. I can't recall off-hand sir, I don't think so.

[fol. 3672] Q. Would Atlanta ring a bell to you?

A. Well, that wasn't discussing the case. I think that is when Mr. Hooker was into the case. It wasn't discussing the case as such, no, it certainly wasn't.

Q. Just passing the time of day?

A. It was there but wasn't pertaining to what you are talking about.

Q. All right, sir. What other cities?

A. I believe that is all, sir. Here and there.

Q. All right now, which town did you talk to him first in?

A. Him, who is him?

Q. Which town did you talk to Mr. Hooker or Mr. Neal or any of the government attorneys, which town did you first discuss this case in?

A. I told you, sir, we didn't get into the case in Atlanta.

Mr. Berke: Now, if Your Honor please, I didn't ask this witness that.

The Witness: Well, I believe it was Columbia, Tennessee.

Mr. Berke: And if Your Honor please, just a minute, would Your Honor please as a help to counsel in trying to get this, ask the witness to respond to the questions?

[fol. 3673] The Court: All right, yes, sir, respond to the question.

The Witness: To the best of my recollection it was Columbia, Tennessee.

By Mr. Berke:

Q. All right, then, where did you go the next town? To discuss this case with the government attorneys?

A. Back to Columbia, Tennessee.

Q. All right, then where did you go to discuss it?

A. To discuss the case as such, Chattanooga.

Q. All right, then where after that?

A. I didn't say anywhere, sir. I said that is Baton Rouge wasn't, I don't know whether the man was an attorney or not, or what he may have been talking to me about it.

Q. Where have you been staying the past 30 days?

Mr. Reddy: We object to that, may it please the Court. Insofar as time that he has been in this area. Chattanooga. That is immaterial.

Mr. Berke: No, not Chattanooga. I don't care about that.

The Court: All right.

Mr. Berke: I said 30 days.

By Mr. Berke:

Q. You haven't been here 30 days, have you?

A. It seems like it but I haven't.

[fol. 3674] Q. Where did you come to Chattanooga from?

A. Baton Rouge.

Q. Did you come alone?

A. I came part of the way alone.

Q. All right. What part of the way did you come alone?

A. As far as Birmingham.

Q. How did you come from Baton Rouge to Birmingham?

A. Drove.

Q. You drove your car?

A. Yes, I did.

Q. But by yourself?

A. Yes, I was.

Q. All right, now, from Birmingham where did you drive?

A. To Chattanooga.

Q. Who did you drive with?

Mr. Reddy: We submit, may it please the Court, that that is immaterial.

Mr. Berke: If Your Honor please, show under whose influence this witness has been and I think it is material.

Mr. Reddy: May it please the Court, it is immaterial who he came to Chattanooga with.

Mr. Berke: It must be material. They certainly are ob-

[fol. 3675] jecting about it.

The Court: Overruled.

By Mr. Berke:

Q. Who did you come to Chattanooga with?

A. May I ask Your Honor a question? If it was a potential witness—

Mr. Berke: I object to that.

The Court: Well, I'm going to reserve a ruling on that. Proceed to something else.

By Mr. Berke:

Q. All right, have you been staying by yourself in Chattanooga?

Mr. Hooker: We object to that.

The Court: Sustained.

Mr. Berke: Is that the same reservation Your Honor holds that same line of questions?

The Court: Yes, sir.

[fol. 3676] Q. What day did you arrive here?

A. I believe it was two or three days before I got on the stand, a couple of days, anyway, either Monday or Tuesday.

Q. Do you know what day, sir?

A. Well, if you will tell me what day I appeared, as I said, time is kind of—if you will tell me the first day I appeared I can tell you the day I came.

Q. Well, Mr. Partin, you were able to tell Mr. Hooker events that occurred in October and November and December, 1962, and here you can't tell me what happened three or four or five days ago.

A. I can tell you, sir.

Q. How can you account for that?

A. I can tell you but, well, it's for obvious reasons I don't want to tell you or you can trace it down but I can tell you I came.

Mr. Berke: Just a minute, if your Honor please.

Mr. Silets: We move that be stricken.

Mr. Berke: That's another one of the remarks that this witness has made. I haven't asked about tracing you, have I, I have only asked for a time.

The Court: Tell him the day.
The Witness: Monday, I believe, sir.

By Mr. Berke:

[fol. 3677] Q. Monday is when you arrived?
A. Yes.
Q. Now, Mr. Partin, why couldn't you have told us that several questions ago when I asked you that?

Mr. Neal: That's argumentative.
Mr. Berke: Now, your Honor—
The Court: (Interposing) Sustained.

By Mr. Berke:

Q. When I asked you the question a while ago, did you know it was Monday?
A. No, sir. I drove a long ways and I drove quite a few hours and I wasn't sure whether I got here in the afternoon late or in the morning or when because it's about 500 or 600 miles down there.
Q. In other words, you don't know whether you arrived in the afternoon or in the morning and that made the difference?
A. No, sir, driving five or six hundred miles at a time will make the difference.
Q. Well, what would be the difference in the day, whether it was afternoon or morning, it would still be the same day, wouldn't it?
A. No, sir, if I drove—

Mr. Neal: (Interposing) If your Honor please, he's arguing with the witness and I object.
[fol. 3678] Mr. Berke: No, your Honor, I think this is a proper field of cross examination.
The Court: Well, let's move along. Sustain the objection.

By Mr. Berke:

Q. Now, I believe you answered a while ago of the different things that occurred on Exhibit No. — let me get that, excuse me—99, is that correct?

A. I didn't answer you definitely, sir, I said the way it was moved around that was my opinion of what went on in that period of time to the best of my recollection.

Q. You said the conversation about some 80-year-old mother was during that period of time.

A. That was my opinion, yes, sir, because I wasn't able to—I said in my opinion it was.

Mr. Silets: We can't hear him, your Honor.

The Court: All right, speak up.

A. In my opinion it did.

Q. If it didn't happen that time when did it happen?

A. I don't know, sir, I couldn't remember the day Mr. Hooker asked me so I don't know why I should remember it now.

Q. In other words, Mr. Hooker has to ask you before you would know?

A. No, I said when he asked me the events that happened [fol. 3679] I didn't remember that one there.

Q. Leading you step by step through the story, is that right?

A. Well, the only things happened happened step by step.

Mr. Neal: Your Honor, that's objectionable, I move that that be stricken.

The Court: Sustain the objection. Strike the question.

Q. Now, if I tell you now, sir, from the record that that conversation about the 80-year-old mother did not occur during that period of time, could you now tell us whether it occurred before or after that period of time?

A. And not swear to it, if I could I would the first day.

Q. You swore to it when Mr. Hooker asked you about it, didn't you?

A. No, I did not.

Q. How is that?

A. No, I didn't, no, I didn't say anything about it at that time.

Q. You didn't say nothing about an 80-year-old mother?

A. Not until later on when I tried to get it back in after I remembered it.

[fol. 3680] Q. You say you remember getting it later on, not in the sequence of the events?

A. Sir, I answered your question. I said I don't remember, I couldn't swear to it, that's the best way I can answer you.

Q. Don't you know that it did not happen as you stated it happened but it happened later and you so testified for Mr. Hooker?

Mr. Neal: Could we have a page, your Honor? I have the page already, I'd like to read it to the jury.

Mr. Berke: 3364.

Mr. Neal: May I read that, your Honor?

Mr. Berke: Just a minute, if your Honor please.

Mr. Neal: My objection will be plain if I may read it.

Mr. Berke: I will read it.

Mr. Neal: You will read it?

Mr. Berke: Yes, I will read it.

Mr. Neal: Fine. And give the date.

Mr. Berke: Yes, I will give you the date.

By Mr. Berke:

Q. Now, the hotel bill you were talking about is October the 28th, the beginning date, and the ending date was when, sir, look at that exhibit?

A. The 31st.

[fol. 3681] Q. When?

A. The 31st.

Q. The 31st, all right. "By Mr. Hooker:" To get the dates you will have to go back to Page 3362.

Mr. Neal: Right.

By Mr. Berke:

Q. "Refer to that document, Government's Exhibit No. 105, and state when you were next in Nashville.

"Yes, sir, December the 3rd.

"How long did you stay here, Mr. Partin?

"December the 7th.

"Where did you stay?

"The Andrew Jackson Hotel.

"Is that your bill you have in your hand?

"Yes."

Does that properly identify the date?

Mr. Neal: Yes, sir.

Mr. Berke: All right. Now, then on Page 3364 with reference to that date, "What was stated or said in that conversation, the second conversation between you and Mr. King?

"He complained about Mr. Hoffa being on him about not getting everything lined up like he was supposed to, that was some of his complaints, and in the same conversation we discussed an 80-year-old mother of a juror he had [fol. 3682] discussed previously with me."

By Mr. Berke:

Q. Now, didn't that occur then after that date that I showed you?

A. It might have, sir, unless it was brought up, I said I remembered it to the best of my ability.

Q. Is that correct, Mr. Neal?

A. Would you let me finish my answer, sir?

The Court: All right, finish your answer.

Q. Finish your answer.

A. I said to the best of my ability they occurred in those events, I said I couldn't swear to the exact date on one and I can't, I know the events as they happened, in my opinion, I know they happened.

Mr. Neal: Your Honor, I point out that is not inconsistent because in his answer—

Mr. Berke: If your Honor please—

Mr. Branstetter: (Interposing) I object to that.

Mr. Haggerty: May it please the Court.

The Court: Sustained.

Mr. Haggerty: Mr. Neal is continually rising here, I think it's time the Court stopped him. He is not making an objection, he is not stating an objection and the reason—

Mr. Neal: (Interposing) Your Honor, he is—

[fol. 3683] Mr. Haggerty: (Interposing) Just a moment. He is advancing an argument on every opportunity. It is certainly not good court manner, it's not ethical and besides that it is a violation of the rules of conduct in a courtroom.

Mr. Neal: Your Honor, I want him to—

The Court: (Interposing) Just a minute.

Mr. Neal: I—

The Court: (Interposing) Just a moment, Mr. Neal.

Mr. Neal: I beg your pardon.

The Court: If the Court knew some way to keep attorneys from rising I think perhaps we could move along.

Mr. Neal: I asked him to read the whole answer, I didn't hear the whole answer. I want the answer read, that is what I am objecting to.

The Court: Well, you may cover it on redirect.

By Mr. Berke:

Q. Now, sir—

Mr. Neal: (Interposing) Excuse me, your Honor. I don't want to rise again but he should read the full answer here. I think an explanation will be made here if I could point out to your Honor.

The Court: All right. Well, read it.

Mr. Berke: Go ahead and read.

[fol. 3684] Mr. Neal: Very well, he complained—

Mr. Branstetter: (Interposing) May it please the Court—

The Court: (Interposing) Mr. Berke, I don't recall, to be frank to you, exactly where you left off reading.

Mr. Berke: I asked him if he wants me to read any more, I will read it.

The Court: Do you want Mr. Berke to read it?

Mr. Neal: If it will save time.

Mr. Branstetter: If it please the Court, on behalf of the Defendant Campbell I object to proceeding back and forth, reading after an objection of Mr. Neal seeking to argue the case simply because at some time they go back through it, they will find a reference to the Defendant Campbell, or at least his name being used as also on a totally wrong date as given by this witness on the third time, it's not fair to argue the matter at this time.

Mr. Berke: "Eighty-year-old mother of a juror he had discussed previously with me, a 60-year-old juror that was on the jury. He had previously told me that but I couldn't fit it into the times."

That's what you want me to read?

Mr. Neal: Yes, your Honor, that's not inconsistent with the answer.

Mr. Berke: If your Honor please.

[fol. 3685] The Court: Mr. Neal, let's not discuss the matter any more. We are never going to get through. Let's proceed.

Mr. Neal: I apologize.

[fol. 3686] Q. Now you also said, didn't you, that in that October 28th period of time that the Fields incident was discussed?

A. I said in my opinion it was, sir. From the way you gave me the events.

Q. The way I gave you the events?

A. Yes, sir. Jumbling them up and running backwards.

Q. In other words, if I questioned you at different times you can't answer it properly, is that right?

A. Well, if I may qualify my answer I will answer you.

Q. Well, I think you should answer yes or no so we can move along.

A. May I qualify it when I do?

The Court: No need to ask if you can qualify. Just give your answer, Mr. Partin, and make any explanation you care to make.

The Witness: All right, sir, because of the events, for example, where someone is going to commit murder they have got to have time to prepare to commit murder.

Mr. Silets: Your Honor, I object and I move for a mistrial.

Mr. Schiffer: I move for the same on behalf of the Defendant Parks at this time, Your Honor.

Mr. Silets: This man is injecting venom in this case [fol. 3687] and it is at the insistence of the government. He has been coached as well as anybody has ever been coached.

The Court: Well, just a moment. Disregard the arguments of counsel, ladies and gentlemen. Let's proceed. Overrule the motions.

Mr. Schiffer: Your Honor, on behalf of Defendant Parks my objection is based upon the fact that this man absolutely refuses to follow the instructions of the Court. Will the Court again direct this witness as to what is proper and improper? Half a dozen times on the record, Your Honor has told him not to come in with these side remarks and be responsive and now he refuses to do it. I think Your Honor should hold him in contempt.

The Court: All right, Mr. Schiffer. Ladies and gentlemen of the jury, disregard the answer of the witness to the last question. It wasn't responsive.

By Mr. Berke:

Q. Will you please answer my question?

A. Sure.

The Court: All right, Mr. Berke, if you will, please just state the question.

By Mr. Berke:

Q. Mr. Partin, did you sign any statements about any of these matters to Mr. Sheridan or to Mr. Hooker during a period of time during October, November and December, 1962?

[fol. 3688] A. I believe Your Honor has the only statement I signed.

Q. All right, when did you sign that?

A. It was just prior to one of the jurymen being taken off the jury. The reason I remember it, it was the day before that night.

Q. All right. During which visit that you had to Nashville, which hotel visit was it that you signed this statement?

A. I couldn't swear that unless the event was led up, the incident where this Fields was taken off the jury or whoever it was taken off the jury, sir.

Q. Do you mean can you tell us now again within a week of when that took place?

A. If you will give me anything to refresh my recollection I will. I certainly will. I will try my best for you, sir.

Q. All right.

A. If you could tell me when Mr. Fields was taken off the jury I could tell you within a few hours of it.

Q. I can tell you this, that you came into Nashville October 22nd and your last time that you were in Nashville according to the hotel bills was December 19th. Now, with reference to that when did you say you signed this statement?

A. I would say about two weeks before the trial. Now, [fol. 3689] I'm just guessing because the events are not led up to where I could remember from memory to where I would know.

Q. How long before you left Nashville the last time?

A. It was two or three weeks I would guess now. I'm saying again I guess because I don't know. Positively the exact date that the events as they happen was brought before me.

Q. It wouldn't have been the first day, would it?

A. No, sir, it would not.

Q. It wouldn't have been the last day, would it?

A. No, sir.

Q. As a matter of fact, Mr. Partin, it was the last day that you were in Nashville, wasn't it, on the 19th day of December?

A. I don't think I would have been there if it was then. Probably gone.

Q. In other words, on the very last day that you were in Nashville a time that would be indelibly fixed in your mind you said it didn't happen on the 19th day of December?

A. I said I wasn't present when it happened then if I did. I was gone.

Q. Do you mean you were not in Nashville when you signed this affidavit?

A. Oh, yes, sir, it was signed the day before. You asked [fol. 3690] me when it was signed so that would fit it. The day before that it was signed.

Q. But you say it didn't happen on December 19th, you said it happened two or three weeks before?

A. I said in my mind if you tell me when he was taken off the jury I would, and I did. The day before.

Q. Now, did you get the information, and give it immediately to them and they prepare the affidavit?

A. No, sir, I think the information was given to them quite a little bit before that. I think it evidently must have been checked out before I gave them the affidavit.

Q. Well, how much time? How many days or weeks or months or years was it before that?

A. It was the first part of the trial they had the information along the first part of the trial.

Q. Did you give that information to Mr. Sheridan?

A. I sure did.

Q. All right, now, during what period of time while you were in the hotel did you get that information?

A. If you would give me the first three or four visits, sir, I would do my best to point out when it happened.

Q. I will be glad to give it to you if you will permit me to fold the things.

A. I don't care what you do with them.

[fol. 3691] Mr. Neal: Your Honor, I object to folding those. I think those exhibits should be shown to the jury. I think there is some kind of inference created here. There is some writing on there. Anything that can refresh this witness' recollection should be given to him.

Mr. Berke: That is what I don't want the writing on there to refresh his recollection. That is Mr. Neal's own statement.

Mr. Neal: Your Honor, I want Mr. Berke to either have those remarks stricken that there is something on there that has been put on there to refresh him or have them shown to the jury so the jury can see for themselves.

The Court: Those will be shown to the jury.

Mr. Neal: We offer those in evidence at this point.

The Court: Let them be received in evidence.

(The hotel bills referred to above having previously been marked for identification, No. 101 & No. 102, were received in evidence.)

Mr. Silets: Did Your Honor say they would be received in evidence?

Mr. Berke: They're already in evidence.

Mr. Silets: No. Marked for identification.

Mr. Neal: We move that they will be received in evidence and they can go to the jury.

[fol. 3692] The Court: They will be received in evidence.

Mr. Silets: Your Honor, I take exception. I never heard of evidence on cross examination. Moreover, I renew my motion for proper examination.

The Court: Did not the witness say that he had signed each one of them, Mr. Silets?

Mr. Silets: He said he signed them, your Honor, but he did not say he was the one who made the entries. He didn't know they were his records or whether he made all the entries on those records. Or whether he has knowledge of the correctness of them. He has not said as required by Section 1732, Title 28, United States Code.

Mr. Schiffer: He only signed the small slips, your Honor, not the record which has been referred to and made for reference of this testimony.

The Witness: You won't need all those.

Mr. Reddy: I submit Mr. Berke has been referring to them all afternoon on cross examination.

Mr. Branstetter: May it please the Court, I believe the objection to the admissibility was made by all defendants? Is that correct? Certainly the Defendant Campbell makes an objection.

The Court: Well, at the moment let's see if Solomon has any worries here. I think that, gentlemen, I have difficulty understanding your objection. You are objecting on [fol. 3693] the grounds that they don't comply with the business records at—

Mr. Silets: (Interposing) Your Honor, the only thing that he has testified to is that he identified his signature on the registration cards. Those documents are two or three part exhibits. One part is a registration card where he sees his signature. Another part is a bill which was not prepared by him. Does not contain any signatures made by him. It was not kept by him in the regular course of business. It was not in his regular course of business to keep such documents. It was not his regular course of business to make such entries and he has no knowledge of the truth or falsity of the entries that are recorded thereon.

Mr. Hooker: He testified, if your Honor please, it was his bill. He paid it. We think they are admissible evidence and should be received.

Mr. Schiffer: Payment of a hotel bill by and of itself is not evidence of the correctness of the items listed thereon, your Honor.

The Court: Well, they will be admitted in evidence but only for the purpose of, that they are being used here in cross examination. They will be considered by the jury only in that connection.

Mr. Berke: Of course, that is the difficulty; we have no objection to them being admitted in evidence though [fol. 3694] we can't force it on the other defendants, but we are being forced to try together and I have no objection.

The Court: All right, Mr. Berke.

By Mr. Berke:

Q. Now, will you look at those hotel bills there and state when it is that you got the information upon which you made this affidavit on December 19, 1962?

A. Sir, you have them mixed up. You have the dates way over here and way over here and way over here. If you will put them together where I can tell by looking.

Q. I am going to leave them that way.

A. I will have to study them because they are pretty well mixed up.

Mr. Neal: Your Honor, may I be heard? May I object to this type of cross examination? This witness testified on direct and he said on direct he would have to look at the hotel bills to refresh his recollection.

The Court: Overrule the objection.

The Witness: In my opinion it happened in this time right in here, from here. No, you have them mixed up so I can't tell. I think either that this one or the first part of this one to the best of my recollection. It was in my third or fourth visit.

By Mr. Berke:

Q. Now, these two that I have in my hand, one of them [fol. 3695] is marked Exhibit No. 101.

A. Let me look to be sure.

Q. And the other one is marked Exhibit No. 102.

A. Let me look down so I can see the date.

Q. All right.

A. 14th, 15th, 21st, yes, sir.

Q. Is that correct?

A. I said to the best of my ability it is. Placed about in the chain of events.

Q. Would it surprise you, sir, that if this affidavit stated that it was November 7 and not either one of these dates that you handed here to me?

A. It would be pretty close, Mr. Berke. I said around that time. So I believe you have November 7th in your hand, don't you?

Q. No, I do not, sir. I have November 14th through the 15th and November 19th through the 21st, if you would like to check me again here it is.

A. I'm not looking at your date on it. Somehow I said either happened close.

Mr. Haggerty: Just a moment, your Honor, we can't hear the witness.

The Court: Yes, sir.

Mr. Berke: I will have to hand him the exhibit, your Honor.

[fol. 3696] The Witness: November 7th would be just prior to this so it was within two or three days. I was correct.

By Mr. Berke:

Q. November 7th is two or three days from November 14th?

A. You are looking at the bottom. I said between the visits, sir. I said either my third or fourth visit if you remember what I told you when you went over there with them.

Q. All right, sir, I'm not trying to argue or banter with you but here is the ending. Is that November 7th of this exhibit, is it not?

A. Turn around where I can look at it.

Q. I will be glad to.

A. Fourth to seventh is what it has on it.

Q. The next starts on the 14th, does it not? It is right here.

A. I am looking at the one in between. I can refresh my memory best staying at different hotels. These all dates look alike.

Q. You stayed in hotel in between these two periods of time?

A. I didn't say that. I said this here would refresh my memory to the chain of events as far as they could on the other hotels.

[fol. 3697] Q. All right. That exhibit you are looking at is in October visit and has nothing to do with November, isn't it?

A. Oh, yes, it has something to do with it because I was told not to worry about what didn't happen then, he had the man in his hip pocket, that is why I know it has something to do with it. Don't worry about it.

Q. Now, that is the exhibit—just a minute, your Honor. You are talking about the James Robertson Hotel?

A. Yes, I am.

Q. Now, what does that have to do with the question I asked you about Fields and the 7th to 14th?

A. It has a lot to do with it, sir, because when wanted to pass something for him, didn't work out, then when I was questioned about it later on two or three meetings later on said don't worry about it when I am getting ready, I distinctly remember, tell you get ready to go back to Baton Rouge, so don't worry about it, I have the man in my hip pocket, that is how distinctly I remember it because I was leaving that day. Called me into his room.

[fol. 3698] Q. So now you say that you are connecting up the James Robertson Hotel thing with his expression that he got him in his hip pocket.

A. Just the events that happened time by time, yes, and by the step.

Q. That's what you told us when Mr. Hooker asked you?

A. What?

Q. I say, you are sure about that, you are sure about that, that's not a numbered exhibit and you are sure about that?

A. That's because that's the only day I stayed there so I naturally remember it.

Q. So that's the reason you remember it?

A. Yes, sir.

Q. Now, Mr. Partin, isn't it true that that statement you made about the hip pocket was on the very first visit, the last day of the first visit?

A. No, sir, it was not.

Q. All right, sir. I will read it to you then.

A. It was on the date I went home.

Mr. Berke: Mr. Neal, if you will look at record Page 3238 and in order to get the date I will have to go back several pages, if you will check it and verify that that is the first date because the next visit starts on Page 3241, which is the Robertson Hotel.

[fol. 3699] Mr. Neal: Your Honor, to save some time here he is going to refer to a statement made when he hit his hip pocket and not to—, it's a completely different pocket, I promise Your Honor it will come out just that way.

By Mr. Berke:

Q. Sir, didn't you just only make one statement about him hitting his hip pocket when Mr. Hooker questioned you?

A. Well, he said his hip pocket and had his—, all I know is when he said—

Q. (Interposing) Now, the question I am asking you, sir, didn't you state the hip pocket incident and it didn't occur when you were at the James Robertson Hotel, it occurred during the latter part of your first visit in the Andrew Jackson Hotel?

A. Sir, I didn't say it occurred at the James Robertson, occurred at the visit at the James Robertson Hotel, I didn't say that.

Q. Are you telling the jury now that you didn't say that it occurred during the James Robertson Hotel because you looked at it, you remember it, you saw it and connected it up because of that reason?

A. I told the jury that I understood that this one because this is when he said it fell through, he wasn't able to get to the man, he said he was on this, is the reason I knew it was in that close somewhere because he said then that [fol. 3700] they had to lay low for a few days and that's why I connected it because I went directly from the James Robertson Hotel to his room to ask him why it happened on that.

Mr. Neal: Your Honor, may we have Mr. Berke read the portion he was referring to?

Mr. Berke: Yes, sir, I will be glad to.

Mr. Neal: That will straighten matters out considerably.

Mr. Berke: I will need to go back three or four pages, if you will concede that was during the first visit, otherwise if you will stipulate that this was during the first visit.

Mr. Neal: No.

Mr. Hooker: No.

Mr. Reddy: We won't stipulate that.

Mr. Neal: I will—

Mr. Berke: (Interposing) I will read it then, I am being forced to, Your Honor, by the government.

The Court: Yes, let's read the record correctly.

Mr. Reddy: 2961.

Mr. Berke: I will start at Page 3232 and read you the questions beginning with the first hotel exhibit and see if you can remember the questions and answers up until we take up the next visit at the James Robertson Hotel. Question by Mr. Hooker, "I will, I will develop the date right [fol. 3701] now. I understood him to answer that earlier—

Mr. Neal: (Interposing) We will stipulate that the thing you are going to read on 3238 was testified to as being in the first visit.

Mr. Berke: 3236, that's what I asked for, it will save three or four pages.

Mr. Neal: We will stipulate the thing you are going to read on 3238 was testified as being on the first visit.

Mr. Berke: That's right.

Mr. Neal: Read the part on 3238 now.

By Mr. Berke:

Q. Mr. Partin, I am speaking now did you have a conversation with Mr. Hoffa, and it's conceded that this is during the first visit.

"Yes, I did.

"Was any one else present at the conversation?

"No, sir, he called me in his room.

"Do you recall what he said?

"Yes, sir, I told him at the time," then there was some objection.

"All right. Then what was said, Mr. Partin?" On page 3238.

"He called me into his room and told me that," and then Mr. Silets said, "We can't hear him, Your Honor."

[fol. 3702] And then you said, "I said he called me into his room and told me when I came back he may want me to pass something for him. He put his hand behind his pocket like that (indicating) and hit his rear pocket."

The Witness: Right. You are correct.

Mr. Neal: Now, Your Honor, that doesn't have anything to do, I must—

Mr. Branstetter: (Interposing) Your Honor—

Mr. Berke: If Your Honor please—

Mr. Haggerty: I object to this argument.

Mr. Neal: Let the witness go ahead.

Mr. Berke: Yes, sir.

Mr. Haggerty: I think it's about time Mr. Neal learned some courtesy or the Court instructed him in Court manners.

The Court: Let's proceed.

[fol. 3703] By Mr. Berke:

Q. So even by looking at the exhibits as they are before you you still can't tie in events with exhibits, can you?

A. You didn't, I did.

Q. Oh, I didn't, you did, is that right?

A. According to the record I did.

Q. All right. Now, which is true, the statement that you made just now that the James Robertson Hotel visit is the time he hit his rear pocket or was it the first visit as we have got it the first time?

A. It's the same as I told the jury all of the time. I left the James Robertson Hotel, went to his room, he told me he was going to have to lay low a few days because, if you remember, he said the people went in and told the man he offered $10,000.

Mr. Berke: Your Honor, he is going into the hip pocket incident, going into something else, it will only call for further examination, and I am willing to do it, your Honor. I think that this witness should confine his answers to the questions.

A. I will. The prior meeting, I am telling the events that led up to this, sir, when I left to go back he told me that he may want me to pass something for him. When I came back I went from the hotel to his room and that was [fol. 3704] the time he told me they had to lay low, that the man reported a $10,000 offered to him, the judge.

By Mr. Berke:

Q. Now, Mr. Partin, I am asking you a direct question which you can answer without getting off into any other subject. I am asking about the hip pocket incident.

Mr. Neal: Your Honor, this is deliberately confusing this witness. Now, he, he starts out with a—

Mr. Haggerty: (Interposing) Now—

Mr. Neal: (Interposing) Just a moment, Mr. Haggerty, it's not polite, you are an expert on that, to interrupt.

Mr. Haggerty: You have to be interrupting.

Mr. Neal: Your Honor, he started out talking about the Negro juror being in his hip pocket, he talked about an affidavit to the Court. Now, he has gotten to this witness on an entirely different matter, the witness is trying to straighten it out.

Now, I can't understand counsel confusing the matter like this.

The Court: Well.

Mr. Haggerty: Since when is Mr. Neal the jury in the case? Isn't that for the jury to decide?

Mr. Neal: The witness is entitled to be asked so that he can intelligently respond. The witness knows.

[fol. 3705] The Court: Well. Those will be matters for the jury to recall the testimony.

Mr. Silets: Your Honor, in light of this colloquy between counsel and Mr. Neal I move for a mistrial on behalf of Mr. Dorfman.

The Court: Overrule the motion.

Mr. Grady: Your Honor, I think it should be obvious that I haven't been making any objections but that Mr. Tweel is independent of all this and caught in the malice and that it is engendering on both sides and it's impossible for him to have a fair and impartial trial under these conditions and I ask for a severance of his case or a mistrial in his case, a separate trial.

Mr. Neal: I have no malice toward Mr. Berke or Mr. Haggerty, I am just doing my job as they are doing theirs, your Honor.

The Court: Overrule the motion for severance. It will be up to the jury to pass upon all testimony and using your own recollection whether the record is being quoted

correctly or incorrectly or out of sequence or in sequence or what by counsel, those will be matters the jury will have to form their opinions about.

By Mr. Berke:

Q. This question, Mr. Partin, you already told us that you saw Mr. Tweel on the first day that you arrived in [fol. 3706] Nashville, which would be October 22nd, 1962. Will you tell us what other days in Nashville you saw Mr. Tweel?

A. I don't believe he ever got back to Nashville, if he did it was merely because he was scared to come, he said, I'm not positive of that, it was only a brief visit if he did.

Mr. Brown: Your Honor, that's not responsive to the question, that he was scared to come back. We ask that it be stricken and the witness instructed again to answer the question.

The Witness: I'm sorry, sir. I don't remember.

The Court: You may proceed.

By Mr. Berke:

Q. Do you recall when you went to Dallas, Texas?

A. I don't remember the exact time, it was during the grievance committee hearing.

Mr. Silets: Your Honor, we can't hear the witness.

A. I said I don't remember the exact time, it was during a grievance committee hearing, I would have to look at the hotel records because—

Q. (Interposing) There they are, they are all spread out in front of you, sir.

A. I will be happy to look, sir. I believe it was on the 30th, just glancing because I just came back in for a short [fol. 3707] time. To the best of my recollection it was on that, around the 30th, yes, sir.

Q. In other words, you were in Dallas, Texas, on the 30th of what month?

A. It would be November, sir, the exact date I am not sure.

Q. All right. Now, will you look at those exhibits and see if you weren't really in Nashville on that date?

A. I was.

[fol. 3708] Q. Well, I asked you when you were in Dallas.

A. I was in Dallas, too, that day, sir.

Q. You were in Dallas and in Nashville on the same day?

A. Yes, I was.

Q. Didn't you check in at Nashville on the 29th? Now, let's see what you can do with that.

A. I don't see anything that would refresh my memory that I would have. I only see that one thing. It is possible because I only had one day here.

Q. Would you allow me to show you then?

A. Yes, I would.

Q. I will be glad to.

A. That was the part you had folded up, I couldn't tell.

Q. You couldn't tell because it was folded?

A. No, sir. You don't see but one date when you look down there.

Q. All right. You were in Nashville on the 29th, were you not, of November?

A. It doesn't show that on here, sir, it shows it up here where it is typed in, but it does not show it on the bill.

Q. You say I typed that in?

A. I didn't say who typed it in, sir.

[fol. 3709] Q. Well, were you in Nashville on November 29, 1962? You identified this record, did you not? You signed this record? It has your signature, does it not?

A. It doesn't have the date here, sir. It has it typed in up here.

Q. Well, you say then you were not in Nashville?

A. I say it is possible because I left here and went to Dallas and came back the next morning and left again to Baton Rouge. But it doesn't show on the record.

Q. How long did you stay in Nashville that time?

A. It was a short time, sir.

Q. Well, how short?

A. If you will let me look at the bills to refresh my memory.

Q. Do you have any independent recollection?

A. Oh, yes, I told you that before you left here. I said a short time.

Q. How short?

A. Well, you have it there in front of you.

Q. Yes, sir, but I am asking you.

A. If you will let me look at it I can tell you.

Q. Can you tell us without looking?

A. I think I am correct. I think I left on the 30th.

Q. Tell us again.

[fol. 3710] A. Maybe you didn't understand me. I said I think I left on the 30th, sir. I would have to look at that to be sure.

Q. You left where? From Dallas to Nashville?

A. I believe I came directly in from Dallas and stayed here just a short while and left from here.

Q. That is what I thought you said, now, what do you say is a short while?

A. Day. Second day. Leaving on the second day like that.

Q. All right. What business did you have here on that day?

A. What business?

Q. Well, you heard the question. Did you have to repeat it? What business did you have here that day?

A. I don't understand you, you mean what business? I had the same business I had every time I was here.

Q. All right. What was your business here in Nashville?

A. Well, I was still here from the time Mr. Hoffa had invited me. He just never did let me quite get away is the only thing.

Mr. Schiffer: May we have that answer repeated, your Honor? We just can't get the answer and his responses.

The Court: Repeat your answer.

[fol. 3711] A. I said I was still here from the original invitation of Mr. Hoffa.

By Mr. Berke:

Q. What business did you transact at that time?

A. I believe I had a conversation with Mr. Sheridan. I believe I called Mr. Tweel on that date. The reason I remember that, sir, is because I think I called him from the airport in Dallas.

Mr. Silets: Could we have that date stated, your Honor? Is that November 30th?

By Mr. Berke:

Q. Would you state the date?

A. In my opinion I called him on the 30th of November.

Q. I'm talking about the business you had in Nashville, what business you had in Nashville.

A. I believe I've answered it twice, sir. I said I was still here from the continuing invitation of Mr. Hoffa and I told Mr. Sheridan about a call on that date to Mr. Tweel in West Virginia.

Q. Did you call him from Nashville?

A. Oh, yes, I did.

Q. I beg your pardon?

A. Call who? No, I told you prior to that I called him from the airport in Dallas.

Q. Now, what occurred on that day that you were here? [fol. 3712] You were able to tell Mr. Hooker several events that occurred on that day. Now, can you tell us what occurred on that day?

A. It is tied down to one day, that is the day I called the office, though, and asked me to call Mr. Tweel, left a number for me to call. I called him from the airport. I had

several conversations with Mr. Sheridan that day in regard to some of the matters. But you have picked a day out of the middle of it and I can't tie it down to one day.

Q. Where did you call Mr. Sheridan from?

A. I believe I called him once from the airport in Dallas.

Q. All right. Did you call him in Nashville? I am trying to find out what business that you had in Nashville. What did you do and what did you see and hear?

A. You want me to answer it again?

Q. I am sorry if you gave an answer, I didn't understand it or didn't hear it.

A. I said I was here on the continuing invitation of Mr. Hoffa.

Q. I heard that, sir, what specifically did you do, see or hear on November 30, 1962? Do you understand that question?

A. I understand that question but I can't answer it like you want me to.

Q. I am not asking you to answer it any way. You [fol. 3713] answer it any way you wish, but please answer this question and not anything else.

A. I said—I can't answer your question as you wish me to.

Q. You cannot answer that question?

A. Not and swear to it, I cannot.

Q. Well, weren't you swearing to it for Mr. Hooker?

A. No, I didn't swear definitely that this happened on this date specifically and swear to it, I did not. I said refresh my memory as to some event that happened. The reason I can tie it down to the 30th on it, some event that happened, because I was in Dallas when I called.

Q. Now, during this period of time you were doing everything you could to get out of your difficulty and you had a lot of things on your mind, didn't you?

A. I think I have answered that the way before, no, sir, I wasn't doing everything I could to get out of my difficulty, wasn't set for any trial at that time.

[fol. 3714] Q. Oh, you mean you weren't worrying because it wasn't set for trial?

A. I didn't say I wasn't worrying. I said it would be natural for anybody to worry about any difficulty you have.

Q. That is what I'm trying to get at, were you under pressure and under worry during this period of time that you know so accurately that these events have taken place?

A. I have been worried ever since I have been in the Teamsters. I have been under pressure ever since I have been here.

Q. When you are under pressure does your mind work good? Or do you have difficulty with your memory?

A. If I have a specific set of things to do wouldn't you have to concentrate on it, little bitty things like that. Give the date to concentrate on I can pretty well remember.

Q. What about the serious things, you don't remember those things?

A. I can remember most of them if I was instructed to find out about them, yes, sir.

Q. When you were trying to do whatever you could for whatever purpose you had in mind, you knew that if you were prosecuted in the case involving 26 counts, that you faced a maximum penalty of 78 years?

A. No, sir, I do not.

Q. And a fine of over $200,000.00, didn't you?

[fol. 3715] A. I did not.

Q. Didn't you have? You didn't comprehend that?

A. Well, the law firm of Bennett and Williams and Mr. Buffalino said I didn't have nothing to worry about. Nothing to them. That is before Mr. Williams—, his law firm is a well-respect firm, so I wasn't too worried.

Q. So now, you say you weren't worried about it from time to time?

A. I said it is a natural inclination for any person to worry about any trouble he has.

Q. Mr. Partin, will you please tell us whether you were worried or weren't worried and I will get on to something else.

A. I did tell you that any person would be worried about any difficulties.

Mr. Schiffer: Objected to, Your Honor, and may we have it stricken. This answer is not responsive.

The Court: Overruled.

Mr. Schiffer: He has been answering the questions directly to himself. He is telling you about everything else. We want to inquire about this man.

The Court: Overrule your objection.

By Mr. Berke:

Q. Well, answer the question?

A. I can't answer yes or no. I was worried but I can't [fol. 3716] qualify it evidently with you. I said I had the best legal advice I could get. They gave me the best consolation I could have.

Q. Well then you weren't worried?

A. I didn't say I wasn't worried.

Mr. Neal: Your Honor, isn't he arguing with the witness?

The Court: Sustain the objection.

Mr. Berke: Your Honor, he is not answering the question. I will get on to something else if he would please answer.

The Court: I believe he has answered. Sustain the objection.

By Mr. Berke:

Q. Now you said that you were unhappy with Mr. Hoffa?

A. Not as an individual, no, sir. With his principles on some things.

Q. All right, you were unhappy with his principles, were you unhappy about anything else, Mr. Partin?

A. I imagine every day run of things, sure, I would be unhappy on a lot of things from time to time.

Q. Were you unhappy that your authority had been cancelled by the International?

A. My authority has never been cancelled by the Inter-
[fol. 3717] national. They have never notified me if it has.

Q. Was your authority over the funds and money and receipts cancelled by your local union?

A. No, sir. I volunteered as I have told you, voluntarily and I think Judge West will testify to that.

Q. I'm asking you to testify.

A. I did, but you don't evidently take my word for it.

Q. But you are bringing in what somebody else would do.

A. He was the one that it was in front of.

Mr. Berke: If Your Honor please, I think the witness again should be instructed on that.

The Court: Overruled.

Mr. Neal: Your Honor, if this is not repetitious I must be dreaming, haven't we gone over this before?

Mr. Berke: Not this part. In fact, I just received this so I couldn't have asked him.

The Court: Mr. Berke, didn't we this morning very specifically go over this not less than twice?

Mr. Berke: He said he voluntarily did this, now you have the records or you have the records available to you of the union there in your home town of Baton Rouge, do you not?

The Witness: I would imagine the recording secretary has those, sir.

[fol. 3718] Q. And is the recording secretary L. E. Gomillion, Jr.?

A. Yes, he is—no, I take it back, he has resigned, sir.

Q. Well, he was at this time?

A. I believe he was at that time.

Q. And after stating the resolution, and I will cut it short so as not to take too much time, isn't September 13th, 1962, the date when you were relieved of all duties of receipt and disbursement of your union funds?

A. I believe if you read it all the jury will understand. I said it was voluntary, sir, you are just reading part of it.

Q. And you say the instruction by the judge is also voluntary?

A. It absolutely is all voluntary.

Q. How long after the indictment was it that this action was taken?

A. I don't know. I can produce the minutes of the executive board meeting where I told them that I think I should do it until the matter was cleared up.

The Court: Mr. Berke, the Court specifically recalls that we went over this this morning at least once or twice.

Mr. Berke: All right, your Honor.

[fol. 3719] By Mr. Berke:

Q. Now, Mr. Partin, when was the first time that you had met with Mr. Hoffa and the attorneys or with the attorneys or without the attorneys and you state which it is, wherein the selection of a jury was determined and discussed?

A. What jury where?

Q. The jury in the Nashville case.

A. I don't recall any conversations sitting with the attorneys where it was selected.

Q. Well, I said with or without attorneys, with one or more defendants, with or without attorneys, did you sit in on any of those discussions?

A. I don't recall individual discussion on something that I wasn't interested in, sir, see the juror, how many they had on the jury, unless it was said, "I have that jury man in my pocket," then I would have remembered it, I couldn't remember just from casual discussions concerning a jury.

Q. You don't remember the date when those discussions took place and didn't you relay that information to Mr. Sheridan or try to or talk about it?

A. If I mentioned it would be casually because I don't recall anything I would want to get in regard to that unless it would have been in regard to a jury being bribed.

Q. All right. What was the first date now that you say [fol. 3720] that you gave Mr. Sheridan any information?

A. I gave Mr. Sheridan information evidently from the first day I was there.

Q. All right. Did you do it on a daily basis or only when you had something to discuss with him?

A. Well, I am sure it would have been when I had something to discuss with him, I just wouldn't want to meet him and say hello to him.

Q. All right. Was that on a daily basis?

A. Sir, it would have been many times, I don't know how many times that would have been, you couldn't count them on the thumbs on both hands, I will put it that way to you, sir.

Q. Let me ask you specifically, did you talk to Mr. Sheridan, report to him every single day that you were in Nashville, or didn't you do that?

A. I wouldn't think every single day, if I missed any it wouldn't be many, I will put it that way. I can't swear to it every day, every day that I told him something, I couldn't swear to it, no, sir, but it was pretty regular, sir, with a lot of things going on.

Q. All right. Now, where did you meet Mr. Sheridan every day?

A. Well, sometimes I would meet him in the car. Sometimes I met him—one time in the hotel, I mean in a theater [fol. 3721] lobby, sometimes in his apartment, one time I believe in the hotel.

Q. Which hotel?

A. The hotel that you are thinking about. I didn't get a chance to talk to him in the hotel, of the Noel Hotel.

Q. I didn't know that is another one of your talents, I wasn't thinking about any hotel.

A. I pretty well know you by now.

Q. What hotel are you talking about?

A. The Noel Hotel where I talked to him.

Q. You talked to him in the Noel Hotel?

A. Yes, sir, in his apartment, cars.

Q. Is that Noel Hotel which you said I am thinking about, is that on that first visit you are talking about?

A. I didn't mention the first visit as being the Noel Hotel, as far as the conversation regarding Mr. Hoffa, the information I got from him was up in his room.

The Court: Ladies and gentlemen, the Court has some other matters I am going to have to take up this evening. I believe we will at this time recess for today.

The jury will please observe the same instructions I have heretofore given to you not to discuss the case among yourselves, allow anyone to discuss it. Be back at nine o'clock in the morning.

The Marshal: Court is still in session.

[fol. 3722] (Thereupon, the jury of twelve and four alternates were excluded from the courtroom.)

The Court: All right, Mr. Partin.

The Witness: Yes, sir.

The Court: Do not discuss your testimony again with anyone or allow anyone to talk with you about it, please, while we are in recess.

(Witness temporarily excused.)

COLLOQUY BETWEEN COURT AND COUNSEL

The Court: All right. Gentlemen, I am going to have to attempt to adjourn a little early this evening because of some business the Court has to transact. Is there anything further now this afternoon?

Mr. Silets: Your Honor, I have several things.

The Court: All right, sir.

Mr. Silets: I move to strike the testimony of this man for this reason that he states now that he cannot swear to the exact time that any of these conversations occurred, the time of the conversations are extremely important to the issue of whether the conversations may be admissible against anybody else in this lawsuit for the proposition that it falls within the agency or conspiracy exception to the hearsay rule.

Secondly, I move that we have—that the Court direct and take evidence to ascertain whether any of the notes or any conversations that he had with government counsel consti-
[fol. 3723] tuted notes within the meaning of the Jencks Act under the theory and the direction of Campbell versus United States.

Now, I don't think the government will contend that notes taken by an attorney do not fall within the meaning of the Jencks Act, but for the government's own satisfaction I would like to cite several cases, Saunders versus the United States, 316 Fed. 2nd, 346.

The Court: 346?

Mr. Silets: Yes, sir, District Court of Columbia, 1963, especially at 348.

U. S. versus Aviles, 315 Fed. 2nd, 186.

The Court: I didn't get the last.

Mr. Silets: 315 Fed. 2nd, 186, your Honor.

The Court: Someone seems to make a cough every time a citation is given.

Mr. Silets: I am sorry, your Honor.

The Court: Can you hold the cough until after a citation is given?

Mr. Silets: 315 Fed. 2nd 186, 1963, and I believe it's a Second Circuit case, and argued by Mr. Bennett Williams, who was mentioned by the witness. 318 Fed. 2nd at page 220 and that is Harrison versus the United States. All those cases stand for the proposition that the fact that the notes were taken by a government attorney does not exempt them from the Jencks Act nor are they considered
[fol. 3724] a work product under the theory of Hickman versus Taylor.

Your Honor, I suggest and I urge that the Court have a hearing to ascertain and take evidence within the framework of the requiring of Campbell versus United States to ascertain whether these notes were in fact notes within the meaning of the Jencks Act.

The Court: All right.

Mr. Reddy: What notes is Mr. Silets referring to, may it please the Court?

Mr. Silets: That's the very issue, were there notes and were they in fact notes within the meaning of the Jencks Act?

He has testified he had conferences with attorneys for the Department of Justice.

Mr. Reddy: He didn't say any attorneys took any notes from him as I understand.

Mr. Hooker: I can say for the record I never took a single note.

Mr. Reddy: I never took a note in my life from him.

Mr. Silets: There are other attorneys he mentioned.

Mr. Neal: I can state for the record to my knowledge I have never interviewed this man other than right around the Grand Jury and in the presence of Mr. Hooker and I certainly have never taken any notes from him. Any ex-[fol. 3725] amination I have done of him has always been from the notes in the possession of the Court.

Mr. Berke: I think Mr. Hooker—let Mr. Hooker explain the notes.

The Court: Well, let's have that hearing right now. Place Mr. Hooker under oath and we will hear Mr. Hooker.

Mr. Dale: Do you solemnly swear that the evidence you will give in this case shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Hooker: Yes, sir.

The Marshal: Let's have order in the court, please.

The Court: All right.

JOHN J. HOOKER, the said witness, being first duly sworn, was examined and testified as follows:

Examination.

By Mr. Silets:

Q. State your name, sir.
A. John J. Hooker.
Q. What is your occupation?
A. I am a lawyer.
Q. Are you an employee of the federal government?
A. I am specially employed in this particular case.
Q. When were you so employed?
A. About April 1st, 1963.
[fol. 3726] Q. Did you participate in the Grand Jury proceeding?
A. I did not.
Q. Mr. Hooker, did you meet with the Witness Partin at any time since April of 1963?
A. Yes, sir, once in Atlanta, I believe in April or May, maybe it was a little later than that, twice in Columbia sometime during the summer, and once or twice here in Chattanooga.
[fol. 3726a] Q. All right, let's take the very first time you met with him, who else was present?
A. Mr. Sheridan and Mr. Frank Grimsley.
Q. And who is Mr. Frank Grimsley?
A. He is an attorney for the Department of Justice.
Q. And where is his post of office?
A. I think he lives part-time in Washington and part in Atlanta. That is my information.
Q. How long did the first interview between yourself and Mr. Grimsley and Mr. Sheridan and the witness Partin take?
A. I would say thirty minutes.
Q. To your knowledge, were there any other interviews on that same day by any party or member of the Department of Justice of the witness Partin?

A. No, sir. I flew to Atlanta to meet him and talked to him between planes and flew immediately back to Nashville. Talked to him about thirty minutes all told I suppose.

Q. At that time did you record or take any note of the conversation?

A. No, sir, not of any kind.

Q. Now, the second time you saw him, sir, where was that?

A. I believe it was at Columbia.

[fol. 3727] Q. Columbia, Tennessee?

A. Yes, sir.

Q. Who else was present?

A. Mr. Jim Neal. Mr. Walter Sheridan. And I believe that is all.

Q. How long did that interview take?

A. Oh, all told I suppose three or four hours.

Q. Now, in the course of three or four hours did you take any notes at all?

A. Not any at all.

Q. Sir, did anybody else in your presence take a note?

A. Not to my knowledge. I didn't see anybody take any.

Q. Was there a recording device?

A. No, sir.

Q. Was there a stenographer?

A. No, sir.

Q. Now, on that same day or on that same visit that you had to Columbia, Tennessee, did you speak to Mr. Partin again?

A. Oh, yes.

Q. When was that?

A. Sometime after—, do you mean the second trip to Columbia?

[fol. 3728] Q. No, sir, this same trip.

A. Same trip, I spoke to him I believe one afternoon and then again the next morning.

Q. Now the time that Mr. Neal and Mr. Sheridan were present was that the afternoon or the morning?

A. Both.

Q. Both times?

A. Yes, sir.

Q. Now, which one took three hours or four hours?

A. Those two meetings together, I'd say it took about three or four hours.

Q. Now, in either one of those meetings no one took a single note?

A. No one to my knowledge, I did not see anybody take any and I did not take any myself.

Q. Mr. Hooker, when was the next time if ever you saw the witness Partin?

A. I saw him again at Columbia I suppose about, oh, couple of months later.

Q. And who was present?

A. Mr. Sheridan. Mr. Neal. Mr. Partin and myself.

Q. How long did that conversation take?

A. Hour and a half, I would judge.

Q. And did you take any notes of the conversation?

A. I did not take any and no one else took any in my [fol. 3729] presence.

Q. Now, Mr. Hooker, on any of these occasions did to your knowledge, were any notes or were any written memorandums made of the conferences after the conferences were completed but not in the presence of the witness Partin?

A. Not to my knowledge.

Q. Did that happen as far as you were concerned?

A. No, sir, I didn't make any.

Q. Now, at that second visit in Columbia did you have another occasion to speak to the witness?

A. Here at Chattanooga.

Q. No, sir, on that same visit in Columbia.

A. No, I just saw him in Columbia the second trip as I remember it one time, one afternoon.

[fol. 3730] Q. And how long did you say that took, hour and a half?

A. I suppose an hour and a half.

Q. To your knowledge, did any other members of the Department of Justice interview him after you left?

A. No. I just don't know, Mr. Silets, not that I know of.

Q. When was the next time you spoke to the witness?

A. Here at Chattanooga.

Q. When was that?

A. The first day that he arrived here. I presume it was on—on Monday.

Q. How long did you spend with him?

A. Probably an hour.

Q. Where was that? In the courthouse building?

A. No.

Q. Who else was present?

A. Some of the time no one. Some part of the time Mr. Sheridan.

Q. You spent an hour with him and Mr. Sheridan came in and out?

A. That's right. Yes. Well, I beg your pardon. Mr. Frank Grimsley was also present part of the time and I believe that is all. I don't believe Mr. Neal was present on that occasion.

[fol. 3731] Q. That was in the City of Chattanooga?

A. Yes, sir.

Q. Where is Mr. Frank Grimsley to your knowledge? Still in the vicinity of the City of Chattanooga?

A. I imagine he is just across the hall. He was the last time I saw him.

Q. Well, that is good. Now, Mr. Hooker, did you take any note or did you make any memorandum of that meeting?

A. No, sir, I didn't make any notes or take any memorandum of any kind.

Q. Did you review with the witness his testimony?

A. To some limited extent.

Q. Now the review of his testimony, were they from notes of the Department of Justice?

A. Some memoranda that had been prepared that had been furnished to me.

Q. And who prepared the memoranda?

A. I don't know.

Q. Do you have those with you?

A. Yes, sir.

Q. Well, your Honor, could we see those?

Mr. Neal: Not until they establish that it is Jencks material, your Honor.

Mr. Silets: He says he doesn't know who prepared them under the circumstances.

[fol. 3732] Mr. Neal: Well, there are other witnesses to call.

The Witness: Other witnesses know who prepared them. I think I know but I don't actually know of my own knowledge. I didn't see them prepared and I have never been told who prepared them. I am reasonably certain, but I know they were not prepared simultaneously with any discussions with the witness. Couldn't have been.

By Mr. Silets:

Q. Mr. Hooker, you went over those statements with the witness?

A. To a limited extent.

Q. And were they correct as far as he was concerned?

A. I would say in the great majority of instances. Perhaps not in all instances.

Q. So he acknowledged the correctness of those?

A. No, I didn't ask him to do that. I merely asked him various questions about his various stays in Nashville during the other trial, the Test Fleet trial, and I didn't ask him to prove or disprove anything I had written. I was more interested in seeing what his own recollection was about the events.

Q. Did you show him these notes?

A. No, sir, I did not.

Q. When was the next time you spoke to him, if ever?

[fol. 3733] A. I believe, Mr. Silets, it was the next day.

Q. That is Tuesday?

A. We've been right busy here and I may not be absolutely accurate. I think I went back to see him, though, after court adjourned on Tuesday.

Q. And how long did you spend with him?

A. I imagine 30 minutes.

Q. Anybody else present?

A. Oh, Mr. Sheridan was there part of the time. Mr. Grimsley was there part of the time. Part of the time nobody was there except myself and him.

Q. And did you review the testimony at that time?

A. Sir?

Q. Did you review his prospective testimony at that time?

A. To an even more limited extent than I had previously.

Q. Did you use the same memoranda in reviewing his testimony?

A. Well, in part. I didn't use any memoranda to amount to anything. I just asked him a few questions about his testimony and about matters he had discussed with me the day before. And that was the extent of it.

Q. Did you make any notes of your conversation?

A. I did not.

[fol. 3734] Q. Now, at any time was there a recording device used to record?

A. No, sir, not at any time in any conversation I have ever had with him to my knowledge.

Q. To your knowledge, now, have you ever seen any memoranda which reflects a conversation in which you participated or facts which you elicited from this witness up here?

A. No, sir, I have not.

Q. You have never seen any of those?

A. No, sir.

Q. When was the next time you interviewed this man?

A. That is the last.

Q. Mr. Hooker, I gather you used a loose-leaf, black volume in your examination of this witness?

A. I think it is green, Mr. Silets, if that makes any difference.

[fol. 3735] Q. Sorry, green volume. Does that volume contain the memorandum to which you testified?

A. Yes, sir.

Q. Prepared by someone else you don't know?

A. That is right.

Q. Now, are those memorandum available for inspection by the Court?

A. Yes, sir, I have no objection to the Court's seeing them. I don't think that it's proper for them to be turned over to counsel. I have never heard of them—, I might exchange with you on some basis.

Q. Well, I wish I had a secret agent to exchange with.

Well, Your Honor, I ask that it be turned over to the Court for examination.

The Court: Well, I really don't see how there is any basis laid for that. I will examine it.

Mr. Branstetter: May it please the Court, I have an unrelated matter as soon as this is finished. I have made arrangements, as I stated to this court yesterday afternoon, to get some connecting calls in shortly after four-thirty on this date and I apologize to the Court for making that statement, but I had made it on yesterday and we got away a little too late for it and if it would be at all possible to continue in the morning.

The Court: I was anxious—

[fol. 3736] Mr. Silets: (Interposing) Could we continue this tomorrow morning, Your Honor?

The Court: Well—

Mr. Silets: After all it seems to be at least four or five more people.

The Court: Well, really I have allowed the examination here, I see—, I don't see any basis in the record for what we have allowed here.

Mr. Neal: Your Honor, I think I could clear up the matter of the memorandum Mr. Hooker referred to.

The Court: I have allowed the examination, as I say, I don't see any basis for doing that.

Mr. Neal: I don't think there is either at all.

Mr. Silets: Well, Your Honor—

The Court: (Interposing) I will consider the matter overnight and see whether it would be appropriate to pur-

sue it. In other words, we can't just go on fishing expeditions on all of the side issues.

The Witness: May I be excused?

The Court: Yes, sir.

The Witness: I can talk tonight then, all right?

The Court: Yes, sir, you can talk tonight.

(Witness excused.)

Mr. Neal: Your Honor, we have no objection to turning this over. You don't have any objection to turning this [fol. 3737] over to the Court?

The Court: It's a question of making it an exhibit in the record if the Court should not—, I don't see where there is any basis.

Mr. Silets: Your Honor, it just seems to me after a four and a half hour conference that somebody must have taken some note and that when Mr. Hooker is using a large volume to go over greatly detailed testimony either Mr. Hooker, Mr. Neal or Mr. Reddy or Mr. Sheridan or Mr. Grimsley, somebody somewhere must have taken some notes.

The Court: Well, Mr. Silets, if you have any knowledge that there were and are willing to take the witness stand and swear that is a fact the Court will let you do that.

Mr. Silets: Your Honor, I wish I had been present so that I could do that.

The Court: Well, if you have no such knowledge.

Mr. Silets: That is the purpose of this kind of inquiry.

The Court: If there is nothing further then let's adjourn court until nine o'clock.

Mr. Silets: Your Honor.

The Court: Yes, sir.

Mr. Silets: Your Honor is reserving this then as to whether we are going to call Mr. Grimsley and so on?

[fol. 3738] The Court: Yes, it will be reserved, yes.

(Thereupon, at 4:33 o'clock p. m., court was adjourned until nine o'clock a. m. February 7, 1964.)

[fol. 3741] February 7, 1964

EDWARD GRADY PARTIN, a witness called at the instance of the United States of America, having been previously duly sworn, was recalled and testified further as follows:

The Court: All right, Mr. Berke.

Further cross examination.

By Mr. Berke:

Q. Mr. Partin, I'd like to clear up one or two matters that I find on reading the testimony that you gave yesterday.

The Court: Just one brief statement. Mr. Partin, of course, you will observe the same instructions as the Court gave you yesterday.

The Witness: All right, sir.

By Mr. Berke:

Q. When we were speaking about this manslaughter charge about which you refused to answer, you did volunteer, did you not in the record, that Mr. Hoffa was involved in it?

A. I don't believe I said Mr. Hoffa was involved. I said he knew of it. I don't believe I even mentioned that, I don't know, you'd have to refresh my memory on that, sir.

[fol. 3742] Q. I see. I was discussing the suit that you had and also a manslaughter indictment and didn't you say that Mr. Hoffa was involved in this?

A. Oh, I said his attorney, Mr. Buffalino, gave me advice.

Q. But you deny that you volunteered and said that Mr. Hoffa was involved in all of this suit and conduct and so forth?

Do you infer from that that Mr. Hoffa was with you or was driving the automobile that killed this service man?

A. I didn't say I was driving the car that killed the service man, sir.

Q. Well, do you say now that Mr. Hoffa was driving it? It was your car?

A. I did not say Mr. Hoffa was driving the car, sir.

Q. Well, you said he was involved, didn't you?

A. I didn't say he was involved, only in legal advice, sir.

Q. Didn't you say that he was involved and also was involved in the suit?

The Court: I believe we have covered that, Mr. Berke.

Mr. Berke: All right. He says he didn't, I will show him where he did, if your Honor please.

[fol. 3743] Mr. Neal: We object to any further inquiry.

The Court: Sustained.

Mr. Berke: All right.

By Mr. Berke:

Q. Didn't you state this yesterday—

Mr. Neal: (Interposing) Objection, your Honor.

The Court: Sustained. You have covered that, Mr. Berke.

Mr. Berke: Well, if your Honor please, he denied saying it. Would I not be permitted now to show, if your Honor please, that he did say it in the record?

The Court: Well, if he did or didn't, whatever he said is in the record and you can argue that at the appropriate time to the jury, but this is not the proper time to argue the case.

Mr. Berke: All right.

[fol. 3744] Q. Now, when you came to Nashville, sir, what was your feelings and prejudices, if any, to Mr. Hoffa personally?

A. I have no prejudice to Mr. Hoffa personally.

Q. All right, was there anything he did that would cause you to be mad at him?

A. Not me individually, no, sir, not as a personal matter, no, sir. That is one thing I want to clear up. As far as asking him something it involved union matters, not personal matters.

Q. All right. Were you mad at him about union matters?

A. No, sir, I'm not mad just because I disagree with him on opinion doesn't make me mad at him personally.

Q. When did you begin disagreeing with him on principles?

A. Oh, it was several years ago when he ordered us affiliated with the joint council.

Q. Would you tell us approximately how many years?

A. I would say approximately a year and a half or two years ago.

Q. Do you mean from that that it was in January 1962?

A. I said approximately, sir. I have the correspondence he sent me. I could get it and give you the exact date and give you a copy of the correspondence.

Q. What was that correspondence you are talking about [fol. 3745] now?

A. He sent us a telegram first ordering us to affiliate with the joint council. It was read off to the membership. I told them what the constitution said. The membership said they wanted no part of it and voted that they wanted no part of the joint council and they ordered me not to affiliate with the joint council. Because of the fact it took the local autonomy away from the local.

Q. Did Mr. Hoffa do that personally?

A. It was signed by him. I guess. He is the president.

Q. So then you got mad about it?

A. No, sir. People don't get mad because they disagree with someone on principle. I may not agree with them.

Q. You mean you never got mad at anybody?

A. I got mad at people various times, yes, sir, on numerous occasions I imagine got mad at people. That don't mean that I don't like them personally, Mr. Berke.

Q. Didn't you tell us yesterday that Mr. Hoffa withdrew the bond of yours?

A. I didn't tell you he did. I said I have heard that and I wanted to ask him about it. The attorney of mine said that Mr. Hoffa had doublecrossed me.

Q. When did he tell you that he had doublecrossed you?

A. When Mr. Hoffa kept telling him about talking back [fol. 3746] and forth, don't worry, we will take care of everything.

Q. How long before the trial did Mr. Hoffa doublecross you?

A. I didn't say he did. I said I got the word that he had.

Q. How long before the trial was it that you got word that Mr. Hoffa doublecrossed you?

A. Several months way before the trial started I had been advised that.

Q. All right, while you were in Nashville did you ask him about that?

A. We discussed just briefly it because later on I found out what had went on concerning the thing.

Q. Mr. Partin, can you answer the question, at any time while you were in Nashville did you discuss that with Mr. Hoffa?

A. I said I discussed it briefly but I had found out in the meantime that he wasn't the individual directly that had done it.

Q. Well, didn't you tell the jury yesterday that Mr. Hoffa is the man that withdrew your $50,000 bond?

A. I think I told the jury, sir, that I understood that and I was told that. It is a known fact among maybe 20 or 30 people that I was told that.

But that doesn't mean he did it because I was told. I have [fol. 3747] been told of numerous things that didn't turn out right.

Q. Well, if you found out later that it wasn't right, why did you tell the jury yesterday that Mr. Hoffa did it?

A. I said I had heard he did.

Q. Well, I know—

A. (Interposing) You let me answer you, Mr. Berke?

Q. Yes, sir, I will let you but you answer the question.

A. Well, you won't let me answer it. I said I found out later he didn't do it directly. That it was did through a Mr. Allen Dorfman and the company he had set up. Not

purposely or intentionally but something to keep them out of trouble because they had met me in Miami.

Mr. Schiffer: Objected to, your Honor. I think this is highly prejudicial and not responsive to the question.

The Court: Overrule the objection.

The Witness: If you would let me, I would like to explain it further, sir, I can.

Mr. Berke: If your Honor please, we'll never get through if he keeps rambling.

The Court: State your next question.

By Mr. Berke:

Q. Didn't you tell the jury yesterday that Mr. Hoffa was the man that withdrew the bond?

[fol. 3748] A. I believe I told the jury that I had understood it that Mr. Hoffa did. I'm sure that is what it was. I have never been able to pin it down definitely and I couldn't swear that he did directly. I couldn't swear that Mr. Hoffa said withdraw the bond. I did not tell the jury that he did withdraw the bond beyond any doubt.

Q. But what you told the jury you said yes, sir, talking about the bond on page 3554, yes, sir, one that Mr. Hoffa had withdrawn that he put up.

A. Well, I tell you it was withdrawn. I didn't say Mr. Hoffa had withdrawn individually or directly. Mr. Hoffa had to be a part of it or it would never have been withdrawn because he secretly took me to Miami to get Mr. Dorfman to go on the bond. While I was waiting for the bond, he met me in New York and arranged a bond. He called Mr. Dorfman in Miami and arranged for me to go to Miami to get the bond before I ever turned myself in, certainly I would think he had some part of it because he put it up.

[fol. 3749] Q. Mr. Partin, I only asked you a very simple question. Didn't you tell the jury yesterday that Mr. Hoffa withdrew the bond?

Mr. Neal: Your Honor, I object to this.

The Court: Sustained.

Mr. Berke: I am entitled to an answer, I am not entitled to a rambling argument.

Mr. Neal: I object. He goes home and reads this transcript and then tries the next day—

The Court: (Interposing) Again I believe that's argumentative. Whatever the record says you can argue that at the proper time of argument.

By Mr. Berke:

Q. Now, I believe yesterday you said all your troubles stemmed from union activities.

A. I did not.

Q. Didn't you say that more than sixty percent stemmed from union activities?

A. I did not.

Q. Did you say about all your troubles stemmed from union activities?

A. I don't believe I told you all my troubles stemmed from union activities, Mr. Berke. I said lately, the latter years, that just about every account that I know of was either directly or indirectly connected with union activities, [fol. 3750] I believe that's what I told you.

Q. For what period of time now, since you joined the Teamsters?

A. I didn't say since I joined the Teamsters, you said that.

Mr. Berke: If Your Honor please, this gives you an example of why I keep—, I am trying to get through within the next few minutes if I can but I want the Court to see the position counsel is in from the response of answers that he gives to simple questions.

The Court: State your question.

By Mr. Berke:

Q. You say now that you did not state that your troubles were related to union pressures?

Mr. Neal: Your Honor, I object.
The Court: Sustain the objection.

By Mr. Berke:

Q. Now, at the time you went to Nashville you already felt that Mr. Hoffa had double crossed you?

A. I don't say Mr. Hoffa individually had double crossed me, sir, I have never said as such, I had heard that he had in the—

Q. (Interposing) And—, excuse me, if Your Honor please, he could answer that very briefly.

The Court: Well, the witness has a right to answer in [fol. 3751] the way that he feels it should be answered.

By Mr. Berke:

Q. Go ahead.

A. I said, sir, due to the fact that Mr. Hoffa had been behind going the bond and secretly having me meet people at different places to get the bond arranged, the fact that someone had to pay a $5,000.00 premium on the thing, I didn't, I paid $500.00 on $5,000.00, I felt that he would have to have some part of it if it was withdrawn, naturally that would be the natural reaction.

Q. Mr. Partin, don't you know that your bond was posted by an insurance company?

A. Oh, yes, sir, I know how it was arranged, too.

Q. And don't you know that when you made application to the insurance company for this fidelity bond that you didn't tell them all the trouble you had been into, did you?

A. Well, Mr. Hoffa had evidently.

Q. Well, you had to make the application for the bond, didn't you?

A. I made it.

Q. And—

A. (Interposing) I made it.

Q. Did you tell them of all these various things that you had been guilty of when you applied for the bond?

A. Yes, sir, I told them the one that amounted to the [fol. 3752] conviction of a felony, yes, sir.

Q. Yes.

A. Yes, sir.

Q. And out of the many charges that you admitted had been placed against you how many did you admit in that bond?

A. Well, I don't consider an accusation an admission of guilt, sir.

Q. I am asking you how many charges? You can answer that question, sir.

A. I didn't intend to answer because I wasn't found guilty on them and I don't have—

Q. (Interposing) You didn't—

A. (Interposing) Will you let me finish, Mr. Berke?

Q. Will you answer the question?

A. Will you let me finish. I don't think an accusation against an individual, unless they are found guilty, is just as clean as anything if you are found not guilty and not charged with it unless you are convicted, I don't think you have a right to put it in there because I didn't have to, it said, "Convictions".

Q. But when the question was asked of you in the application you didn't answer it truthfully, did you?

A. I must have, I got my bond.

Q. You mean just because you answered it the way you did you say you got your bond so it must have been the [fol. 3753] truth?

A. Well, I think that congressman James Morrison wrote a letter on the bond.

Mr. Schiffer: Objected to as going far afield.

The Witness: He wants to know how I got the bond.

The Court: I realize the whole questions are going far afield, too.

Mr. Berke: If Your Honor please, I am asking simply about the application. Now he is going in about what someone else did and stated, and of course, it's clearly incompetent.

The Court: Mr. Berke, there must be some reasonable limitation, however, on cross examination.

Mr. Berke: If Your Honor please, it will be five—

The Court: (Interposing) Mr. Berke—

Mr. Berke: (Interposing) Or ten minutes.

The Court: Mr. Berke, you please let the Court state its position, please.

Mr. Berke: I am sorry.

The Court: There must be some reasonable limitation to repetition of matters that have been covered. Let's proceed.

By Mr. Berke:

Q. When did you get notice from the insurance company [fol. 3754] that your bond was cancelled, what date?

A. Sir, I don't remember the date that I got it, the attorney called me that it had been cancelled and I would have to go back again to why he told me. He said in his opinion—

Q. (Interposing) Excuse me just a minute.

A. Well, could I—

Mr. Berke: (Interposing) If Your Honor please, would you instruct the witness if he don't know just say no and then he keeps telling me what other people say and I don't want to interrupt the witness but I am trying to get through in the next five or ten minutes, Your Honor, if I can.

A. I do not know, sir.

Mr. Berke: If I can get help from the Court on it I will.

A. I said I do not know, sir.

Q. That's all I want to know. Now, then without stating the date, was it before or after the trial on October 27th, 1962, that your bond was cancelled?

A. The Nashville trial are you speaking of or what trial?

Q. Yes, sir.

A. It was before that.

Q. Now, you told us yesterday that Mr. Hoffa instructed [fol. 3755] the filing of the forgery charges, did you not?

A. I did not.

Mr. Neal: Your Honor, this is just an effort to rake up old ashes.

Mr. Berke: No, it's not, Your Honor, I think—

The Court: (Interposing) Overruled. Proceed.

A. I did not. I said the constitution, he is the president of, orders a withdrawal card issued that way and I was advised by Mr. Buffalino that it was done properly and it's a witness to the fact. Mr. Buffalino told me that.

Q. Mr. Partin, I am talking about the filing of the indictment, the forgery charges.

A. I believe I explained.

Q. What—

A. Would you—

Q. (Interposing) Let me finish the question.

A. O. K.

Q. Why did you state that Mr. Hoffa ordered the indictment filed against you, the forgery indictment?

A. I don't believe I told the ladies and gentlemen of the jury he filed, I explained to you what section of the constitution made it mandatory to issue a withdrawal card.

Mr. Branstetter: May it please the Court, on behalf of the Defendant Campbell, if this matter goes on, I want to move for a mistrial. This is so far lacking in anything I [fol. 3756] have seen in a judicial proceeding I don't know how to explain it or even how to object.

Here is a witness, I assume he is now making his speech to the jury.

Mr. Hooker: We object to that.

Mr. Branstetter: That's what he said he was doing. Exactly what he said he was doing. Read the record and see.

May it please the Court, we are not entitled to this type of thing, no defendant is in this land.

By Mr. Berke:

Q. May I state—

The Court: (Interposing) Disregard the argument of counsel. Let's proceed.

Mr. Neal: What page?

Mr. Berke: What page? 3492. Right here.

By Mr. Berke:

Q. You say that Mr. Hoffa instructed the perjury charges to be filed against you, didn't you?

A. No, sir, will you allow me to answer the question? As I told the ladies and gentlemen yesterday, I said that under the constitution, and I think I can stand with the record, that—

Mr. Schiffer: (Interposing) I object. I believe we are entitled to a responsive answer or we will never get fin-
[fol. 3757] ished with this case.

The Court: He said no, let's proceed.

Mr. Berke: If Your Honor please, in due deference I'd like to get a ruling on the Court when he says no, I am not bound by that, I think I should be permitted to show that he did.

The Court: State your question.

Mr. Berke: All right, sir.

By Mr. Berke:

Q. Didn't you say with reference to the forgery of a name that wasn't your name, it was a member of a group that was opposed to Mr. Hoffa, who Mr. Hoffa had sent

in to Baton Rouge on the charge that he had filed against me under Mr. Hoffa's instructions?

[fol. 3758] A. I don't know if it was jumbled up like that or what but I think what I said, Mr. Berke, and I have a right to answer your questions, that the reason I had to report the charges, because I have—

The Court: You may answer.

The Witness: I said because of the fact that Mr. Hoffa told us what section, told us how to write the letters, everything, he was very close to this group, this group had visited Mr. Hoffa in Washington. He discussed it with them. We were in touch almost daily as far as this group was concerned. I was told what section of the constitution that it was mandatory to issue withdrawal cards for a person that wasn't working at the trade. We issued the withdrawal card according to the constitution and the letter on the constitution.

Mr. Berke: Just a minute. He is rambling, your Honor, off on something that is wholly not responsive to the answer. If the Court wants him to continue on it, it is all right, but I just don't think we will ever get through.

The Court: Well, he said, no, and you asked him again.

The Witness: So I explained.

Mr. Berke: I read the answer to him and all he could have said that he did say it or didn't.

The Witness: You read part of it, sir.

[fol. 3759] Mr. Berke: I am just asking, if your Honor please, in five or ten minutes I'll be through if I can just get the answer from him, let him state.

Mr. Neal: Your Honor, I believe he is stating the answer and I believe this is improper cross examination to put a man on the stand all day and take his testimony that night and pick out word for word.

Mr. Brown: Your Honor, I object to Mr. Neal.

Mr. Grady: Direct examination took a full day, your Honor, and they pushed to hurry every minute. I would like to move for a mistrial on behalf of Mr. Tweel and I

don't think he can possibly get a fair trial with this malice going on back and forth and he not even concerned in it.

The Court: Disregard the argument of counsel, ladies and gentlemen. Overrule the motion. State your question.

Mr. Silets: On behalf of Defendant Dorfman, we join in the motion for a mistrial.

The Court: Overrule the motion.

By Mr. Berke:

Q. Now, did you tell us yesterday when I was fixing to ask you about that, didn't you tell us yesterday that Mr. Hoffa told you that Mr. Larry Campbell had come into Nashville before the trial even started and had fixed the jury?

[fol. 3760] A. No, sir, I didn't. I told you that Mr. Larry Campbell had come into Nashville and contacted the people. That the man was kin to him, was the way he told me, and had it arranged that the man wouldn't take any money. He was an old retired railroad worker but he wouldn't do anything to hurt his people. He said he could just see the old gentleman sitting out under a tree fishing all day long. That is exactly what I told you, sir.

Q. Didn't you say this, Mr. Partin, speaking about Mr. Hoffa, he said one of my business agents, Campbell, came into Nashville prior to the trial and took care of it?

A. That's correct. That is exactly what I said, sir. You are right.

Q. How could he fix the jury prior to the time when he didn't even know who was going to be on it?

Mr. Neal: Your Honor, I object to that. He is telling what Hoffa told him.

The Court: Sustain the objection.

Mr. Schiffer: If your Honor please, I object to the remarks made by Mr. Neal. May I ask the Court to permit this question because it goes right to the roots of what the testimony of this witness has been yesterday and we

ask your Honor to curtail this cross examination if this witness will be permitted to answer responsively and we will save days on this trial.

[fol. 3761] The Court: Overrule Mr. Schiffer's motion.

Mr. Schiffer: I object, your Honor, every time we reach that point in cross examination where we come to a crucial question we are not permitted to receive an answer from the witness and for that reason and in addition to the others I move for a mistrial on behalf of Mr. Parks.

The Court: Overrule the motion. Overrule the objection of Mr. Schiffer. Sustain the objection of Mr. Neal. The witness has testified as to what he says a defendant told him.

Mr. Branstetter: If your Honor please, I move that it be stricken insofar as the Defendant Campbell is concerned and the jury instructed that it cannot be considered against him in any fashion because it relates to matters occurring prior to the allegations in the indictment because it is the rankest sort of hearsay and otherwise prejudicial to the Defendant Campbell.

The Court: Overrule the request that it be stricken. The jury will consider the testimony in accordance with the instructions that have been heretofore been given to you about out-of-court statements by a defendant when, if at all, they might be considered against any other defendant.

By Mr. Berke:

Q. Now, Mr. Partin, you and Mr. Buffalino went to New [fol. 3762] Orleans, did you not, during the progress of this Nashville trial?

A. During the progress of it? I don't remember being there during the progress of this trial, no, sir. I remember meeting Mr. Buffalino in New Orleans. I don't remember meeting him during the progress of this trial.

Mr. Silets: Your Honor, can the witness keep his voice up, please?

The Court: Yes, sir.

The Witness: I said I don't remember meeting Mr. Buffalino during the progress of the trial. I met him in New Orleans.

By Mr. Berke:

Q. When did you meet Mr. Buffalino in New Orleans?

A. It was after the trial when Mr. Buffalino came down to go over the cases pending against me. He said that Mr. Hoffa told him he didn't want to have anything to happen to me and he wanted to come down and check all those charges which he said had no basis for them and went back to Washington, after he went out to the race track and bet a few bets and everything.

Mr. Brown: If your Honor please, what has that got to do with this trial?

The Court: Strike that.

Mr. Brown: The witness knows what he is doing. He is [fol. 3763] too well-versed not to know what he is doing.

The Court: Disregard the argument of counsel. Strike the last remark of the witness.

Mr. Schiffer: Your Honor, may we request a direction to the witness to be responsive?

The Court: Yes, sir, be responsive to the question asked, Mr. Partin.

The Witness: I understood him to want to know what we did and I was just telling him what we did.

[fol. 3764] By Mr. Berke:

Q. Mr. Partin, please, sir, would you please tell us if you actually talked with Mr. Buffalino?

A. Yes, sir, I did.

Q. Did you talk with him in New Orleans, Louisiana?

A. Yes, sir, I did.

Q. And you did have a discussion with him. Right?

A. I certainly did.

Q. All right. Now, what was the purpose of that discussion?

A. Well, he told me that he came down to check on those charges on that withdrawal card charges, that is what he told me and that is what we went over which can be verified by witnesses that is what we discussed.

Q. Mr. Partin, actually you had a bitter struggle yourself within your own union and you wanted Mr. Buffalino's help, did you not?

A. I don't believe—

Mr. Neal: (Interposing) Objection, Your Honor. How could it be relevant?

Mr. Berke: Just a minute, we're not bound—

The Court: (Interposing) Overruled.

By Mr. Berke:

Q. That's right, isn't it?

A. I don't remember Mr. Buffalino instructing me any-
[fol. 3765] thing at all concerning that because you only had two or three individuals in there that was causing trouble which was well-coached by other individuals. I haven't had any opposition in 15 years, so it must not have been too big of a group.

Q. You say somebody was well-coached by other individuals?

A. Evidently. I'm just saying evidently.

Q. What experience do you have in coaching?

A. I'm not used to coaching people, sir, I am used to going by what is supposed to be done. Not being coached and told what to do.

Q. Let's get back to your own internal struggle that you had within your own union.

A. Yes, sir.

Q. Actually what happened, they were distributing information about a letter you had received from a Cuban General, didn't they?

A. I don't remember that as far as Cuban General in regards to anything like that.

Q. Weren't they distributing a pamphlet?

A. I agree with you, yes, sir, they were.

Q. Let me finish the question. Weren't they distributing a pamphlet?

A. Oh, yes.

[fol. 3766] Q. I still haven't finished my question. Weren't they distributing a pamphlet, which contained a copy of the letter which you received from a Cuban General working for Fidel Castro?

A. No, sir.

* * * * * * *

[fol. 3768] By Mr. Berke:

Q. Mr. Partin, are you in custody at the present time?

A. No, sir. Certainly am not.

Q. Do you come and go as you please?

A. I can come and go as I please.

Q. As a matter of fact, Mr. Partin, aren't you in custody now of a group of marshals and have been for the past several days?

Mr. Reddy: Now, may it please the Court, we object to [fol. 3769] that. The witness has already answered that he is not in custody.

Mr. Neal: Yes, Your Honor, that should be explained that that is the government's choosing not this man's request or any request of custody.

[fol. 3770] Mr. Berke: If your Honor please, then Mr. Neal is certainly refuting his own witness. He says he comes and goes as he pleases and I am trying to show he is in custody. And I don't think that I should be cut off from that examination to show what interest he has and see in whose keeping they have him and why he is doing what he is doing.

The Court: Proceed with your examination.

A. I have been able to go and come as I pleased. I haven't had anyone tell me, "Don't go get a drink of water, don't go to town, don't go to a show, don't go anywhere you want to go." If they have, I haven't heard of it.

Q. All right. Where in Chattanooga have you been other then just here in the courthouse and back with marshals where you retired?

A. Oh—

Mr. Hooker: (Interposing) We object to that.

The Court: Sustain the objection.

By Mr. Berke:

Q. You said you come and go as you please and I am not trying to do anything improper, if your Honor please. Where have you gone?

The Court: The witness will not be required to answer where he is staying.

Mr. Berke: If your Honor please, if there is any fear about where this witness is staying, I'd like to remove that [fol. 3771] from the Court's mind. I personally can tell the Court I know where he is staying and it doesn't make any difference. I am simply saying he says he can come and go in Chattanooga wherever he wants to. I think I have a right to see where he is going and how much freedom of motion he has under the—

The Court: (Interposing) State your question.

Mr. Berke: All right.

By Mr. Berke:

Q. Now, you say you go to a show if you want to. What show have you seen?

A. I said if I wanted to go I go to a show.

Q. Well, have you been to a show?

A. I went out and looked out the dam last night and rode around and looked at things like that. I have a friend of mine here with me that—a personal friend and a union member that I can go and come as I please with.

Q. You have the marshals with you, didn't you?

Q. They wasn't with me, no, sir, as far as being with me, they wasn't with me.

Q. Well, where were they then, were they behind you?
A. I don't—

Mr. Hooker: (Interposing) We object to this, if your Honor please.

The Court: Sustain the objection.

Mr. Hooker: We don't see the materiality of this.

[fol. 3772] Mr. Berke: Your Honor, I can't show that under what restraint this witness is?

Mr. Neal: Your Honor, this witness is under no restraint whatever.

The Court: Sustain the objection to the question as asked.

Mr. Schiffer: Your Honor, in view of the fact that Mr. Neal has admitted that he is under government restraint only five minutes ago, we should be permitted now to refute Mr. Neal's statement now. He has reversed himself right here in open court.

The Court: Proceed with the questions.

By Mr. Berke:

Q. Mr. Partin, yesterday morning at nine o'clock didn't you see me in the elevator and you had eight or ten marshals around you and you wouldn't get on the same elevator with me yesterday morning at nine o'clock?

A. Look, I don't know one marshal from another, as far as knowing all these people around here. I don't know what you are really except an attorney.

Q. Well, yesterday morning—I am asking you a simple question—yesterday morning in the basement elevator when the elevator, instead of going up carried me down, as the doors opened, weren't you standing there surrounded by at least eight or ten marshals?

[fol. 3773] A. It was a bunch of people trying to get on the elevator.

Q. And the elevator was empty—just a minute, Mr. Neal, let me ask the question—the elevator was empty and you

nor any of your marshals boarded the elevator except one marshal to bring the elevator back down?

Mr. Neal: Your Honor, how can this be proper?

Mr. Berke: I want to show the restraint this witness is under. I think we have a right to.

Mr. Neal: They haven't even asked him about the direct case after two days. We object to this cross examination.

The Court: He can answer if he knows.

By Mr. Berke:

Q. Now, isn't it true, Mr. Partin? You can answer that yes or no.

A. Well, no, sir, because the reason I didn't get on the elevator, you told the man you wasn't going to hurt me. He said, "I ain't worried about that." That's the man that's here with me, a friend of mine, he said he wasn't worried about you hurting me.

Q. You were surrounded by eight or ten marshals and you say that I said that I wasn't going to hurt you?

A. I don't know what those people are, one of my friends got on the elevator and he went—backed off, you said, "I'm [fol. 3774] not going to hurt you."

He said, "I know you are not. I am not worried about that." I don't know what he got off for, I don't think it is because he was scared of anything, he wasn't a marshal, the one that got off.

Q. Mr. Partin, I am simply asking you one question. Weren't you surrounded by eight or ten marshals with an empty elevator?

A. I don't—

Q. (Interposing) And you didn't get on the elevator nor the other marshals who were there?

A. Sir,—

Mr. Reddy: (Interposing) May it please the Court, the government objects to Mr. Berke arguing with the witness.

The Court: Sustained, sustain the objection.

Mr. Berke: If he would just answer whether he did or didn't, your Honor, I would be through with him.

The Court: Sustain the objection.

The Witness: Sir, I will answer.

The Court: I sustained the objection.

The Witness: Yes, sir.

Mr. Berke: All right, your Honor. I still reserve cross examination on the other issue.

The Court: All right.

[fol. 3775] Mr. Alexander: May it please the Court, in going over the record last night at page 3313.

Mr. Reddy: What page?

Mr. Alexander: 3313. There's a correction, I think, in the record that I'd like to have made at this time. Beginning at the bottom of page 3312.

The Court: That would be upon Wednesday.

Mr. Alexander: What?

The Court: Be on Wednesday. Is that not a matter that should be taken up at the recess?

Mr. Alexander: It could. It doesn't make a particle of difference, it's not prejudicial.

The Court: Take it up then, if you will, at that time.

Mr. Alexander: This cross examination recalled it to my mind is the reason.

The Court: I will make a note of it.

By Mr. Silets:

Q. You are Mr. Martin?

Mr. Berke: Partin.

A. Partin.

Q. Partin?

A. Uh-hmm.

Q. Mr. Partin, you related in answering questions put to you by Mr. Hooker concerning events that occurred some [fol. 3776] 15 months ago, including precise conversations. Did you make any notes or recordings of those conversations?

A. No, sir, I didn't make—

Q. (Interposing) How are you able to keep track of those conversations?

A. Well, it would be simple, I would, as I was telling you the reason I was confused on the dates because all I was doing—

Q. (Interposing) Just tell me how you keep track of the conversations.

A. Well, for a short period of time I would remember, I would relate them to Mr. Sheridan, it was up to him to keep the dates and things, not me.

Q. Well, were the dates important to you at the time?

A. Not unless they would have been tied in step by step by what happened, no, sir.

Q. They were important to you on some occasions?

A. No, not unless it would be tied in the dates, I wasn't supposed to remember anything about a date, just what happened regardless of the date.

Q. All right. But it was up to Mr. Sheridan to remember the dates?

A. I assume, because I wasn't the one that was supposed to remember them and check it out.

[fol. 3777] Q. And he kept the record of those dates, isn't that true?

A. Well, I would assume he did, I don't know, I am not—

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[fol. 3809] By Mr. Silets:

Q. Well, now, all this time that you have been trying to live a model life, didn't you say that sixty percent of the time you've been in jail since you have been over with Mr. Hoffa?

A. Sixty percent of the time I've been arrested it has been pertaining directly or indirectly since my last association with him, that's correct. It can be supported, sir.

Q. Well, you answered yesterday on Page 3477 of the transcript concerning about the times you were placed in jail, yes, sir, I have been placed in jail several times. But

I would guess sixty percent of the time since I've been over with Mr. Hoffa, do you mean you spent sixty percent of your time in jail?

A. That is what you are trying to make them think. I didn't say that.

Q. Well, I'm reading your answer, sir, you tell us what that means.

A. No, sir, I said to the gentlemen of the jury, and the ladies of the jury, sixty percent of the time I've been arrested has been pertaining directly or indirectly to union business since I've been with the Teamsters. That was [fol. 3810] my answer I believe, sir.

Q. Well, in that connection, Mr. Partin, wasn't the government trying to get you?

A. The what?

Q. Well, I will read you what you said yesterday. You were talking about a withdrawal card in relation to the constitution of the union. You said the constitution says you must issue the person a withdrawal card.

A. Right.

[fol. 3811] Q. "Under the instructions of Mr. Hoffa, this fellow had been going to the Justice Department, evidently somewhere with the government, the government trying to get me because I was a Mr. Hoffa man."

Do you remember saying that?

A. Yes, because it's standard procedure in the Teamsters, you got to say the government is trying to get you because that's—

Q. (Interposing) You never—the government never tried to get you?

A. That's what we was taught.

Mr. Brown: I object to that standard procedure of the Teamsters. I represent the Teamsters and this man is not being responsive and he is injecting these things continuously.

The Court: Overrule the objection. Proceed.

By Mr. Silets:

Q. Was the government trying to get you?

A. I thought they were at the time, sir, I will tell you.

Q. You thought the government was trying to get you at the time, right?

A. Yes, sir.

Q. And didn't the government tell you that unless you cooperated and testify here they would get you?

[fol. 3812] A. No, sir.

Q. Isn't that the real reason that you have been testifying and furnishing this phony information?

A. No, sir.

Mr. Neal: Your Honor, the jury may have a different idea about this information. I move that that be stricken, not that Mr. Silets' characterization of the information worries me.

Mr. Branstetter: May it please the Court—

Mr. Neal: (Interposing) It's an improper remark.

Mr. Branstetter: May it please the Court—

The Court: (Interposing) The jury will be the judge of that matter.

Mr. Schiffer: May the record also indicate, if your Honor please, that before this witness answers questions on cross examination he looks either at Mr. Hooker or Mr. Neal or Mr. Reddy and after he finishes his answer he looks to them for approbation and approval of what he has testified to. That has been going on since he took the stand.

The Court: That, of course, is your statement, Mr. Schiffer.

Mr. Schiffer: That is my statement for the record, your Honor, and I have seen it.

The Court: Proceed. The jury will disregard that remark, ladies and gentlemen, of counsel.

[fol. 3813] Mr. Silets: My remark, your Honor?

The Court: No, the remarks of Mr. Schiffer.

By Mr. Silets:

Q. Now, the activities that you engaged in in the latter part of 1962, did you think you had to do that in order to get a fair trial on your own charges?

A. No, sir, I didn't.

Q. What was the motive behind what you did?

A. Well, if I am allowed to answer you, sir, because as I said, I couldn't raise a family under the conditions, the atmosphere that was laid down by the Teamsters Union. When your children go to school they say, "Hoffa man, Hoffa man."

We had a basketball team, and I have a right to tell you this, we had All-American basketball players from every college that was, we went to play in a town in Mississippi and the whole town that went in with my wife and children and their friends sitting there was, "Little Hoffa, Little Hoffa, Little Hoffa." All those people and Mississippi State basketball coach McCarney was coaching was so embarrassed he had to leave out of the auditorium and had two men that quit the basketball team, Bailey Howell of Detroit—

Mr. Berke: (Interposing) We want to object to this type of answer.

The Court: Sustain the objection.

[fol. 3814] Mr. Berke: I think the Court should take this matter in hand with the witness, and have him just answer the questions and not ramble off as he does, if it is possible. I don't say that the Court can successfully do that, but I think the Court should at least try to do it.

The Court: Sustain the objection.

By Mr. Silets:

Q. Were you embarrassed to be a Hoffa man, is that right?

A. I wasn't as such because I believed in him.

Q. But your family was getting some sort of retribution or challenges because you were a Hoffa man?

A. My wife was challenging me because I was a Hoffa man.

Q. And your children were being embarrassed because you were a Hoffa man?

A. In my opinion they were, sir, because at school that's all they could hear.

Mr. Haggerty: Well, I—

Q. (Interposing) Did you appreciate the fact that your children were being abused?

A. Well, I didn't pay too much attention to it at the time because I thought it would die down. I thought that Mr. Hoffa would be out of his difficulties and they would all look back and say, "Well, it was just something that was [fol. 3815] just publicity, it's just something that was."

Q. You weren't concerned about your children being abused?

A. Oh, I was definitely concerned about them, I thought it would die down.

Q. And you thought about your children being abused?

A. Well, naturally, I imagine you would, too, sir.

Q. I sure would, Mr. Partin. Now, were there any other embarrassing events because you were associated with Mr. Hoffa or embarrassing to your wife or children?

A. Well, sir, I tried to answer you and you wouldn't let me, you stopped me while ago.

Q. Well, were there or were there not?

A. Yes, sir.

Q. And those weighed on your mind, too, didn't they?

A. Not against Mr. Hoffa individually but against the Teamsters as such. They wouldn't say Mr. Hoffa all of the time, it would be Teamsters, "You are a Teamster, you are a Teamster."

Q. Well, I thought you got through telling me they were saying, "Hoffa man, Hoffa man"?

A. I said in the basketball game that you stopped me on where we had a basketball tournament.

Q. I didn't stop you.

A. Well, would you like for me to tell you what was [fol. 3816] said?

Q. I just want to know, sir, whether this was weighing on your mind.

A. It didn't bother me as for my sake, no.

Q. But for your family's sake?

A. Well, not just—that—

Mr. Reddy: (Interposing) May it please the Court, we object to counsel arguing with the witness.

The Court: Overruled.

By Mr. Silets:

Q. Now, you also related and there was some questioning about a fact that there had been a kidnapping charge brought against you in 1962?

A. Yes, I did.

Q. And that's the same charge that was dropped by the law enforcement agency just before the start of this trial, isn't it?

A. I didn't know it was dropped then, sir, I had—

Q. (Interposing) It was though, wasn't it? You know it now?

A. I know since you told me. I have had lunch with the lady several times since then.

Q. Now, didn't you tell Mr. Berke that you didn't really feel it was a kidnapping but it was a family dispute?

A. Absolutely right, sir.

[fol. 3817] Q. Now, isn't it true that you personally feel that as long as there is a good purpose to be served that you are not beyond breaking the law?

A. I don't intend to break the law knowingly, sir.

Q. Now, you broke the law as far as the kidnapping charge?

A. You said—

Mr. Neal: (Interposing) Your Honor, that's not true. That charge has been dismissed. Object to this.

The Court: Sustain the objection. Strike that question.

By Mr. Silets:

Q. Were you breaking the law when you were in Nashville?

A. I don't think so under any conditions.

Q. If it meant for you to break the law in Nashville, as long as you felt the purpose served in the end to be achieved was a good one, would you break the law?

A. No, sir, I wasn't asked to break the law, I was asked to help observe the law.

Q. Isn't it true, Mr. Partin, that an indictment, a federal U. S. Government indictment containing 26 counts was—

Mr. Neal: (Interposing) Your Honor, I object to this.

The Court: Let Mr. Silets finish his question.

[fol. 3818] Mr. Neal: I am sorry.

Mr. Silets: Are you finished, sir?

Mr. Neal: Yes, I apologize, Mr. Silets.

By Mr. Silets:

Q. Isn't it true, Mr. Partin, that the federal government returned a 26-count indictment against you which is still pending?

A. Yes, I have stated that several times.

Q. And wasn't that indictment returned against you in July of 1962?

A. That sounds about right.

Q. Isn't it also true that the government has told you that they would drop all but one or two counts and let you plead guilty and get probation if you cooperated with them?

A. If they did, I never heard of it, I tell you that.

Q. Now, when this Mr. Walter Sheridan—by the way, you know Mr. Sheridan?

A. I know him now, yes, sir.

Q. You knew him back in 1962?

A. Yes, sir, I did.

Q. You knew him to be a special consultant to the Attorney General of the United States?

A. I didn't at that time, no, sir.

Q. All right. Now, he, when he contacted you, this special assistant or special consultant, he gave you some in-
[fol. 3819] structions about what you were supposed to do, didn't he?

A. No, sir, not instructions as you are saying, he said, "If you see any example—evidence of jury tampering or other violations of the law." That was the basic part of what his instructions was, to give it to him.

Q. You were to report to him?

A. Yes.

Q. If you saw any violations of the law or jury tampering?

A. Evidence of jury tampering. I wasn't the one to be the judge of whether it was.

Q. You were the one to be the judge?

A. I said I wasn't, sir.

Q. Well, did he tell you what to look for?

A. Well, it was natural that I would understand if I went in and somebody was, someone was saying, "We were going—"

Q. (Interposing) Sir, I can't understand you. Would you repeat your answer?

A. I said if I heard someone say, "$10,000, he will take $10,000, it's a lot of money," or if I heard someone say, "I will pay 15 or $20,000," or if I heard someone say, "I will get a promotion for him," or "He has got to do what I say do because of such and such a thing," then I would say that is an attempt to do it, yes.

Q. So you judged the facts and reported those facts
[fol. 3820] that you judged to Mr. Sheridan?

A. No, sir, I wrote down what I thought to be—

Q. (Interposing) Oh, you wrote them down. Now, where did you write them down?

A. As far as putting them on paper—

Q. (Interposing) Well, what else is there besides putting them on paper?

A. Sir, I have told you I did not take notes, I have never given him a note. In my mind then I put them down in my mind because—

Q. (Interposing) You wrote them down in your mind? That's what you are trying to tell this jury now?

A. I put them there enough that you can't get them out.

Q. Well, that is pretty obvious, sir, you are making a good job of keeping us—

The Court: (Interposing) Disregard the statement of counsel.

By Mr. Silets:

Q. Now, you said you wrote them down?

A. Not physically, sir, I put them down.

[fol. 3821] Q. Where did you put them down?

A. In here, sir.

Q. Including dates?

A. The dates I wasn't interested in.

Q. You didn't write down the dates?

A. I wasn't interested in them, sir.

Q. Now, did you report to Mr. Sheridan the fact that the defense in the Nashville case was trying to check on the background of the jurors?

A. I probably did that, sir, along the line when they gave me the jury list because I had all kinds of information on that. That may have came up at that time.

Q. Now, did you know that it is common practice to get the information of the background of the jury to determine whether they can give a fair and impartial verdict?

A. I didn't know, no, not in that way. I didn't know in that way.

Q. You didn't know that, did you?

A. You didn't let me answer you.

Q. Sir, did you know it or didn't you know it?

A. I was fixing to tell you the other part that goes on it, I didn't know on who can put the most pressure on them and so forth.

Mr. Silets: Your Honor, I'm going to ask this be stricken. It is a simple question and requires a simple answer.

[fol. 3822] By Mr. Silets:

Q. Did you or didn't you know that to be the fact at the time you were reporting these details to Mr. Sheridan?

A. If you will rephrase exactly what you want I will answer you yes or no.

Q. At the time you were reporting to Mr. Sheridan, did you know that it was common procedure and acceptable procedure to check on the background of jurors to determine whether they could render a fair and impartial trial?

A. I thought that the attorneys did, yes, sir, to challenge them. I didn't know that the individuals that was going to —individuals other than attorneys were checking on it.

Q. You didn't know that it is common practice for the attorneys to hire investigators or send friends out to determine whether the jury or the juror had a bias or prejudice, you didn't know that it was all right to send out friends and investigators to do that?

A. Certainly I think that would be entirely proper.

Q. You feel that is proper?

A. I feel it is proper, sure.

Q. Now, did you report those events to Mr. Sheridan?

A. I don't think I would tell him something that way, no, sir.

[fol. 3823] Q. Well, sir, did you or didn't you?

A. I don't think so. I may have mentioned the fact that they were checking and so forth, but there wouldn't be anything wrong with that.

Q. Weren't you instructed by Mr. Sheridan to report illegal activities?

A. That's correct.

Q. But you reported this activity, too?

A. No, sir, not as such as a report, no, sir.

Q. You conveyed to him that information, didn't you?

A. I don't even know if I did or not. It is possible that I might have said something along that line but not in a way where it would be derogatory.

Q. Yes, sir, now, then, it is possible then you reported to Mr. Sheridan not only what you thought was an illegal activity but other activities. Right?

A. I don't think—it would have been a rare, rare occasion if I had. And I don't think so.

Q. Well, sir, do you remember in that very first week when they were picking the jury that this was the main center of activity, finding out all they could about the jurors so that they could ask proper questions, do you remember that?

A. I wasn't in on that part of it, sir. I know that they were picking a jury but I don't know what they were doing to check as far as check someone whether he was affiliated [fol. 3824] with something they were, or whether it was a lady, a colored lady, or colored gentleman, or white gentleman, what it might be. I wasn't interested in that.

Q. Well, you spent that whole week in Nashville, didn't you?

A. I don't know whether I did or not. I would have to look at the record to see whether I spent the whole week.

Q. Do you mean even after examining those records for the last two days you don't know whether you were there the whole week?

A. Sir, you have jumbled them up. I don't know whether the exact dates or not.

Q. So, you have altered your story in that particular order?

A. As I said, if I had to walk to the door I would have to give an example on myself. I would have to see you walking over there before and know the events leading up to that before I could tell you.

Q. This was right at the start of the trial, Mr. Partin,

do you have any trouble remembering the events right at the start of the trial?

A. If they didn't amount to anything concerning the law, I wouldn't be concerned with them. If they wouldn't amount to a violation of the law.

Q. You don't remember they were trying to get informa-
[fol. 3825] tion in order to determine the qualification of the jury?

A. I don't remember any details. I heard them say they were picking a jury. I don't know what they were doing to check it out. It wasn't my job to check this out. I wasn't interested in that.

Q. You weren't what?

A. It wasn't my job to check out and see what activity. Whether Protestant or colored or white or Catholic, that is what they were interested in.

[fol. 3826] Q. That is not what they were interested in?

A. No, didn't tell me that if they were.

Q. Now, do you mean they weren't interested in that—

A. (Interposing) They didn't tell me to check on whether Protestant, colored, white, Catholic, or anything like that.

Q. The only thing you are testifying to is what they told you, not what you observed?

A. I didn't say that, sir. I said the only thing—

Q. (Interposing) Well, you don't know anything except what you were told, is that right?

A. I didn't say that.

Q. Well, sir, were you there during the first week while the jury was being selected?

A. I don't think that I was there a whole week, sir, I would have to look and see, sir. I don't know.

Q. You don't remember now?

A. I don't think I was there the whole week. I told you that, sir. I think it was two or three—

Q. (Interposing) Were you there while the jury was being selected?

A. I don't remember whether I was there when the entire jury was being selected. I don't remember any workings of that. All I know—

Q. (Interposing) Do you remember conversations and [fol. 3827] conferences where the merits of each juror was being considered and argued back and forth between the attorneys to determine whether they were going to challenge him or keep him as a juror, you don't remember that?

A. I don't remember that part, no, sir.

Q. But you can remember precise conversations for a 3-month period. Is that right?

A. Because that is what I was told to remember. I was not interested in the sidelines or the side shows.

Q. Now, these conversations that you were directed to remember, what did you do in order to be sure you could remember them?

A. I would try to contact Mr. Sheridan as soon as possible while it was still fresh in my mind and give it to him so he could keep it himself. He would have more time to check it out than I would because I couldn't remember three or four days later exactly what was said on that day.

Q. You couldn't remember three or four days later what was exactly said on that day?

A. All of the stuff that had been said.

Q. Well, no, no, no, let's talk about the precise thing you conveyed to Mr. Sheridan. You say that you couldn't remember three or four days later what was said and which you passed on to Mr. Sheridan?

A. If someone told me going to take coon dogs to the [fol. 3828] back of a farm—

Mr. Silets: (Interposing) Objection, your Honor.

Mr. Schiffer: Could we get a responsive answer, your Honor?

The Witness: That is what I remember about it, that is what I am trying to tell you.

By Mr. Silets:

Q. Let's talk about what you passed on to Mr. Sheridan. Now, you couldn't remember that three or four days later, so that is why you passed it on to him for, isn't it?

A. I don't know whether I could have or not. In my opinion I couldn't have remembered it accurately enough.

Q. All right, now, if you couldn't remember it three or four days later, how could you remember it now?

A. Because of the events, sir, that happened and the sequence that they happened and I can distinctly remember when a person said he was going to pay $10,000, I remembered $10,000.

Mr. Haggerty: Object to that, may it please the Court, as not being responsive to the question and ask that it be stricken and the jury instructed.

Mr. Neal: I think he is being responsive. Sorry.

[fol. 3829] Mr. Haggerty: It is highly prejudicial to all defendants, particularly the defendant which I represent, Mr. Hoffa. And I think it is time now definitely that the Court instruct this witness to answer the questions.

Mr. Neal: Your Honor, he was asked how—

Mr. Haggerty: (Interposing) Just a moment until I finish. I think I am entitled to that instruction at this time. I think in the future the Court in its function and in its duty should instruct this witness to answer the question and not allow him to ramble over and constantly inject into this record and attempt to inject prejudicial matters.

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[fol. 3856] Mr. Berke: If Your Honor please, I make no complaint about the latitude that the Court gave me yesterday on cross examination of this witness. I want the record to show that I make no such complaint. The Court has taken two or three matters under advisement, of course, which has hampered the cross examination to some extent.

Now I say, Your Honor, on the issue of this Cuban letter which the Court has taken under advisement, this witness has testified to Mr. Buffalino going down to New Orleans, he stated what it was, stated what the purpose of the meeting was. We say that the defense has a right to show that the purpose of that meeting was to get Mr. Buffalino to use his influence on the union there to keep down the pamphlet

which shows that this witness has been working with Fidel Castro.

Now, if this witness has been working with Fidel Castro, why shouldn't the Court and why shouldn't the defendant and why shouldn't the jury know about it?

Doesn't that show whether he is honest with the United States Government or whether he is a traitor of the United States Government? Now, true, the Court has taken that under advisement, but I say at the crucial moment I should have had a right to show this witness, show the witness that [fol. 3857] he received a letter from a Cuban General, mailed to him, which he had and this information was disseminated among the local union.

Now, if that is the type of witness they are using to try to convict Mr. Hoffa, why shouldn't the jury know about it?

What is there such a secret or hush-hush when you have got a traitor in your own midst and I say that the Court should consider that this is competent because if he says that the meeting with Buffalino was for one purpose, I say that we can show that it was for another purpose and Your Honor can look at this letter and see, Your Honor hasn't had a chance to see it, to see that it is competent, that this is the very thing that has inspired ire in this man's mind and if Your Honor please, I would like Your Honor to see this, this is nothing made up out of whole cloth.

Mr. Hooker: Do you have another copy of it?

Mr. Neal: What is it, a pamphlet or photostatic copy of a pamphlet?

Mr. Berke: It was a pamphlet that was distributed in his local.

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[fol. 3889] Further cross examination.

By Mr. Silets:

Q. Now, I understand you have said that you had contacted Walter Sheridan sometime prior to the start of the Nashville case.

A. No, sir, I didn't say that.

Q. Did you call Walter Sheridan on the telephone before going to Nashville?

A. I don't remember, sir, I don't think so, I don't remember.

Q. Do you recall receiving Mr. Sheridan's phone number as your contact in Nashville?

A. Yes, I do.

Q. And did you make a phone call to that number?

A. Yes, I made several of them.

Q. When was the first time you made a phone call to that number?

[fol. 3890] A. Either on my way or when I got there, I am sure it was when I got there.

Q. Did the man at the other end identify himself as Mr. Sheridan?

A. I don't remember. I probably asked him and he didn't answer me, but I am sure it was he.

Q. Will you relate the conversation? Just say what he said and what you said.

A. I said I didn't remember if I did have a conversation with him prior to the actual giving to him of the facts. As far as conversation, I may have called and said, "I am here. I am checked in at such and such a place," or something along those lines.

Q. You don't remember that conversation?

A. Well, I couldn't remember every word of it, it was nothing important about telling a person I came.

Q. Now, Mr. Partin, you answer the question.

A. No, sir.

Q. You don't remember the conversation, is that your answer?

A. Not that I can swear to, no, sir.

Q. All right. Now, when was the first time you met, actually saw Mr. Sheridan?

A. I believe that, and I say "believe", I can't answer you exactly, but I believe that I saw him in the lobby of [fol. 3891] the hotel. I didn't talk to him there. The first time I actually met him I believe was on the street up in Nashville, the best that I can remember on meeting him the first time.

Q. You saw him for the very first time in the lobby of the Andrew Jackson Hotel in Nashville?

A. I didn't say that I could swear to that, sir, I believe that was.

Q. Well, of course, you understand, Mr. Partin, you are under oath and everything you say you are swearing to. Now, if you don't know will you tell the jury you don't know or if you do know will you please relate what you do know.

A. The way—

[fol. 3892] Q. Now, when did you first see Mr. Sheridan?

A. I told you that I can't answer to the best of my ability.

Q. You can't answer?

A. No, I can't.

Q. When was the first time you spoke to him in person?

A. My best recollection was at the front of the Noel Hotel or close to the hotel as far as meeting him in its entirety. I don't remember if there was any more, I don't remember it, personally, the first time.

Q. Sorry, I didn't understand you, Mr. Partin. You said you met him in front of the Noel Hotel in Nashville, Tennessee?

A. Around the Noel Hotel in that vicinity the best I can recall, yes, sir.

Q. Now, what time was it that you met him?

A. It was at night as I said before, sir.

Q. Did you have a plan to meet him there or was it by chance you met him there?

A. I had a plan to meet him there.

Q. When was this plan formulated?

A. When I first found out there was some evidence of illegal activity.

Q. Well, sir, I ask you—

[fol. 3893] Mr. Silets: (Interposing) Your Honor—

By Mr. Silets:

Q. Mr. Partin, I will ask you—

The Court: (Interposing) Listen carefully to the questions.

The Witness: All right, sir.

By Mr. Silets:

Q. I asked you when this plan to meet Sheridan was formulated?

A. I would have to say October 22 to the best of my recollection.

Q. Now, was that by a telephone conversation?

A. Yes, sir, it was.

Q. And where did you, did you call him or did he call you?

A. The best of my recollection is I called him.

Q. And where did you call him from?

A. A pay booth, probably a pay booth. I very seldom called him from the room.

Q. That was a local call from a pay booth in Nashville to Mr. Sheridan in Nashville?

A. Or either my room.

Q. Or either from your room. Now, what was the day that you made this call?

A. I said at the best I can recall the day that I made to set [fol. 3894] the meeting up would have been October 22 in Nashville.

Q. Now, that is the meeting in front or near the Noel Hotel?

A. In that vicinity, yes, sir.

Q. But that is the meeting, is it not?

A. That is the first meeting that I had planned with him in Nashville.

Q. Sir, I am asking you this, this telephone conversation you made from a pay booth or from your telephone room was it set up, the meeting at or near the Noel Hotel. Is that right?

A. I said yes.

Q. All right.

A. To the best of my recollection on it.

Q. Now, how long had you been in Nashville at the time you phoned Mr. Sheridan to set up this meeting?

A. Several hours I would guess. I can't say exactly the hour, several hours.

Q. Less than an afternoon I assume?

A. I didn't call him to set up a meeting, no, sir. If you will rephrase that, I will answer it for you. Define what you mean.

Q. Mr. Partin, it is a simple question. How long had you been in Nashville before you called Mr. Sheridan with [fol. 3895] respect to this phone call you are now talking about to the jury here?

A. To set the meeting up?

Q. At or near the Noel Hotel, yes, sir, that meeting.

A. That was late in the afternoon or later on in the afternoon.

Q. How long had you been in Nashville, Mr. Partin, before you made the phone call to set up the meeting?

A. Sir, I said several hours. I couldn't say for sure how many hours. Several hours. Quite a while later after I was there.

Q. Several hours or quite a while later?

A. That is what I said. To the best of my recollection.

Q. Well, will you tell us what it is you mean by several hours? How many? Four? Five? Ten? Twenty? One or two?

A. Well, it would be within a period of eight hours, I would say.

Q. All right, within eight hours after you had arrived in Nashville?

A. I said I was guessing, sir.

Q. Well, we don't want you to guess, Mr. Partin. Remember you are under oath and you are swearing to this [fol. 3896] testimony. Just tell us what you know now. Do you know how long you were in Nashville before you called Mr. Sheridan on the phone?

A. Not exactly, no, sir.

Q. All right. Now, when you met him at or near the Noel Hotel, you say it was evening?

A. It was dark, yes, sir.

Q. And you had never spoken to him in person before?

A. I can't recollect any time that I have spoken to him in person prior to that.

Q. Then it was to be your first face-to-face conversation?

A. Regarding what?

Q. Well, regarding anything ever.

A. In my opinion it was, yes, sir.

Q. This was your first face-to-face conversation. Now, did he stop you when you were walking past the Noel Hotel and identify himself?

A. No, sir. He had seen me enough to recognize me when he saw me and he said if I would be walking down, if I am not mistaken, he said walking down the side that they had a Western Union there, I believe, several meetings, you will have to understand that on the street that he picked me up.

Q. Well, Mr. Partin, we want you to tell the jury about the very first face-to-face conversation with Mr. Sheridan. [fol. 3897] A. Well, since it was several meetings I can't swear to exactly what area it was all I know is walking down the street.

Q. Okay. You can't swear to it, is that your answer? Is that right?

A. I didn't say in detail and swear to it beyond a doubt, no, sir.

Q. Well, tell the jury what was said in this first face-to-face conversation, what he said, what you said?

A. Well, I gave him the information that I had.

Q. Oh, now, Mr. Partin, just say what he said and what you said, relate the conversation.

A. I cannot relate the conversation word for word, sir.

Q. All right. Now, when was the next time you spoke to Mr. Sheridan, either in person, face-to-face, or on the telephone?

A. I would talk to him maybe two or three times.

Q. Mr. Partin, state for the jury the very next time you spoke to him either on the telephone or face to face?

A. I would have to say—

The Court: (Interposing) Well, if you know the answer, just say that. If you don't, say you don't.

The Witness: Not to the minute and time, no, sir, I do [fol. 3898] not. I don't know the minute and the time.

By Mr. Silets:

Q. You don't know when was the next time you spoke to him, is that right?

A. Not that I can swear.

Q. Not that you can swear. That is all. Now, Mr. Partin, was the next conversation with Mr. Sheridan face to face or on the telephone?

A. Yes or no?

Q. Well, was it one or the other? You did speak to him another time after that meeting in front of the Noel Hotel?

A. Plenty of times.

Q. Now, let's get to the very next one. Did he talk to you on the telephone or did he meet you on the street or some place?

A. Yes or no?

Q. Well, it is one or the other, did you see him face to face the next time?

A. I don't recollect whether it was a phone call or not.

Q. All right. Can you recollect the next meeting after that? Can you recollect any meeting and relate exact the conversation what he said, what you said?

A. Well, I don't hardly know how I can answer that, [fol. 3899] your Honor, without being able to qualify my answer.

The Court: Well, if you can answer it. If you say you can't, if you say you can't tell the exact conversation, then you can't.

[fol. 3900] Q. Can you relate any exact conversation what he said and what you said?

A. Just only the information.

Q. No, sir, I am not asking you that. I want you to tell the jury whether you can relate a conversation between you and Mr. Sheridan.

A. Word for word to swear to them, no, sir, not word for word.

Q. All right, that's all. Now, you testified yesterday that you had met with Mr. Sheridan in his apartment.

A. Yes.

Q. Where was his apartment located?

A. I would have to describe it, I don't know the location, I can describe to you what area it was in.

Q. Do you know the location?

A. I could tell you how to get to it. Do you want to know?

Q. Sir, just tell me, do you know the location, can you give me the address?

A. I can tell—no, sir, I cannot give you the address, no, but I can describe step by step how to get there, where it's at.

Q. But you don't know the address, is that right, is that your testimony?

A. I was—

[fol. 3901] Q. (Interposing) That is your sworn testimony, you don't know the address?

A. I was taken there, sir.

Q. Sir?

A. I was taken there, I didn't need to know the address.

Q. Each time you went to his apartment you were taken there?

A. When I went to his apartment I was driven there.

Q. By whom?

A. Mr. Sheridan.

Q. And who drove you back to your hotel?

A. He didn't drive me back to my hotel, he would drive me back in the vicinity and put me out.

Q. And then you would walk back to your hotel?

A. That is correct.

Q. I suppose that is so nobody would see you together with Mr. Sheridan?

A. I would imagine so, sir.

Q. Now, on these occasions when you met with Mr. Sheridan in his apartment was there anyone else ever present?

A. I don't believe there was, sir, I can't recall anyone being in the immediate area.

Q. Is your answer that you can't recall?

A. I can't swear to the jury at the moment.

[fol. 3902] Q. All right. You can't swear to that either. All right. Now, were you ever working with anyone else besides Mr. Sheridan?

A. When, sir?

Q. Well, during the time you were furnishing Mr. Sheridan information in the months of October, November and December, 1962, were you working with anybody else to obtain that information for the government?

A. No, not directly, no, sir.

Q. Indirectly?

A. I may have called his office and someone else would answer the phone and give him the message.

Q. Were you ever advised whether Mr. Sheridan—were you ever advised by Mr. Sheridan, pardon me, sir—were you ever advised by Mr. Sheridan that Mr. Hoffa or anybody else over at the Andrew Jackson was being watched by FBI agents?

A. No, sir, I never heard that statement made.

Q. He never told you about that?

A. No, sir, he didn't that I can recall, no, sir.

Q. Now, you recalled yesterday, you testified about some conversation you had at the Andrew Jackson concerning an Anthony Quinn, do you remember that?

A. Yes, sir.

Q. And you told Mr. Berke at Page 3606, "Question: If all you saw was people.

[fol. 3903] "Because evidently when they check Mr. Quinn out or Mr. Tweel or whoever it was, they found out they was the people and that is, they was trying to find out who he was, Mr. Tweel or Mr. Quinn or whatever his name was."

Who did you mean by "they"?

A. The grand jury that indicted him if no one else because he wasn't indicted as Quinn, he was indicted as Tweel.

Q. Now, in other words, when you were talking answering Mr. Berke's questions yesterday concerning this meeting with Mr. Sheridan in the hotel lobby of the Andrew Jackson and they checked Mr. Quinn out and Mr. Sheridan came to observe who Mr. Quinn was, you are talking about the grand jury that was sitting five months later in Nashville, Tennessee?

A. I certainly am not. I was using that for an example. He told me he was Quinn himself, I am using that for a reference.

Q. Mr. Partin, you just answer my question. I asked you who "they" were and you said the grand jury.

Now, do you mean the grand jury checked Mr. Quinn when you were talking about this to Mr. Berke yesterday?

A. Can I qualify my answer to you, sir?
Q. It's very simple, sir.
A. I cannot—can I qualify my answer?

The Court: Answer the question.

[fol. 3904] By Mr. Silets:

Q. Who did you refer to as "they"?
A. Anyone that would have been connected with an investigation on jury tampering, anyone.
Q. Well, that's what I want to know. Who was that that was connected in this investigation?
A. Anyone that would have been connected, sir, I wasn't—look, it wasn't up to me to go out and say investigate something.
Q. Who was it up to?
A. Whoever the information was turned in to, I guess.
Q. Who did you turn the information in to?
A. Mr. Sheridan.
Q. It was up to him to say who was to be checked?
A. It was up to him to do what he saw fit to do, I guess.
Q. Now, when you first came to Nashville, you had already been instructed to discover or to turn in information which you concluded to be a violation of the law or jury tampering, isn't that right?
A. Evidence that would substantiate something like that, yes.
Q. Now, you also testified, I believe, that nobody told you what that evidence would be or what constituted jury tampering, isn't that true?
[fol. 3905] A. I think that is about the statement I made. I think—I am not sure unless I could look on what you are looking on.
Q. Now—well, these are my notes, sir, the same kind of notes that you wrote down.

Mr. Neal: Object to that, your Honor.
The Court: Proceed. Disregard the comments of counsel.

By Mr. Silets:

Q. Now, Mr. Partin, this first meeting with Mr. Sheridan was on the very first day you were in Nashville, right?

A. I think it was, that is the first time—day I got information.

Q. And wasn't it a fact that you wanted to show the government your good faith in your assignment that you made up this story about Anthony Quinn to give to Mr. Sheridan?

A. No, sir.

Q. Well, in other words, you were in Nashville, arriving at noon, and within a few hours you had already gotten evidence of jury tampering for a jury that wasn't even picked, is that right?

A. It was all around me, sir, yes, sir.

Q. Now, you know Mr. Herman Thompson, is that right?

A. I know Mr. Herman Thompson very well.

[fol. 3906] Q. And he was a law enforcement officer, wasn't he?

A. I think he still is.

Q. And was he a law enforcement officer in the summer of 1962?

A. He probably was unless it was a time he was sick, he was off sick for a while but I think he has always been, as far as I know, a law enforcement agent.

Q. Isn't it true that you discussed Mr. Hoffa with Mr. Thompson in the summer of 1962?

A. I don't know about that, I have discussed Mr. Hoffa for years with him.

Q. Did you discuss Mr. Hoffa with Mr. Thompson in the summer of 1962?

A. I can't swear to what date it was.

Q. Now, Mr. Thompson was an investigator for the District Attorney's office in Baton Rouge, is that right?

A. You have wrong information, sir, no.

Q. Well, what was his job?

A. You are asking me?

Q. I am asking.

The Court: Just tell him, if you know.

A. He was connected with the Sheriff's Department, no District Attorney's office.

Q. Oh, he was with the Sheriff's Department. Now, what was his job with the Sheriff's Department?

[fol. 3907] A. I don't exactly know because he was—if you would allow me to explain what all he did I will do that for you, I don't know exactly what he was.

Q. You don't know what his job was?

A. I don't know what his title was, I know what he did.

Q. Well, I want you—you don't know what his job was then?

A. No, I don't.

Q. Now, isn't it true that you met him as a subject having been investigated by his office?

A. He was being investigated also concerning me, so I don't think I hardly met him that way.

Q. Who investigated him?

A. The same people, I guess, that was causing the trouble, I would imagine.

Mr. Silets: Now, your Honor, I move that that be stricken.

The Witness: Well, sir—

The Court: Strike the answer. If you can answer, say so.

Mr. Silets: May the witness be admonished to answer the question?

The Witness: I don't know, sir, I mean it, I hate—

[fol. 3908] The Court: (Interposing) All right. If you don't know just say so, that is all right.

By Mr. Silets:

Q. Now, you had a conversation with Mr. Thompson concerning Mr. Hoffa following the return of that 26-count indictment against you in July of 1962, isn't that right?

A. I have had dozens.

Q. Sir?

A. Dozens of them, not just before and after.

Q. All right. And you were required to post a $50,000 bond with respect to that 26-count indictment, isn't that right?

A. Oh, yes.

Q. And you testified that the bond was withdrawn, isn't that right?

A. On some other matters that I was—

Q. (Interposing) Well, was the bond withdrawn?

A. It must have been because I was told my other bond was revoked.

Q. Do you know whether the bond was withdrawn? If you know you can say you know, sir, if you don't know you can say you don't know.

A. They told me it was, I will put it that way.

[fol. 3909] Q. Now, you blamed Mr. Hoffa for that, didn't you?

A. No, sir, I didn't blame Mr. Hoffa for that.

Mr. Neal: Your Honor, the government objects to this as being repetitious. Has been over several times.

The Court: Well, proceed. Proceed.

Mr. Silets: Your Honor—

By Mr. Silets:

Q. Now, yesterday, Mr. Berke said in fact you were interested to the extent that you had to post a $50,000.00 bond, didn't you, and you answered, yes, sir. One that Mr. Hoffa had withdrawn that he put up. Do you remember saying that?

A. I do, but you won't let me answer you correct today.

Q. Sir? I just want you to answer the questions I put to you.

A. Yes, sir, I said that.

Q. You said that. Now, did you and do you feel that it was the result of Mr. Hoffa's action that that bond was withdrawn?

A. Not as an individual, no, sir. As an individual himself.

Q. Now, you knew that that bond was placed through New York bonding insurance company, through Mr. Dorfman, didn't you?

[fol. 3910] A. Yes, sir, I'm familiar with it.

Q. And isn't it true that you also held Mr. Dorfman responsible for the removal of that bond?

A. No, sir.

Q. Didn't you say that in this courtroom this morning?

A. He took his orders. If he did it, he took orders.

Q. Well, you feel that Mr. Dorfman did it because he got orders to do it?

A. If he did it I would imagine he had to have orders.

Mr. Silets: Now, Your Honor, getting back—

By Mr. Silets:

Q. Mr. Partin, you and I will get along fine, we will get the jury to go home for the week end if you will just answer my questions. Did you or do you now feel that some of the responsibility for the removal of that bond was because of Mr. Dorfman?

A. I'm still not positive, so I can't swear to it. I still don't know. Positively.

Q. Do you feel that Mr. Dorfman sold you out?

A. Just yes or no? Without explaining?

Q. That's right. Yes or no.

A. I can't answer you.

Q. All right. You can't answer me. Do you know when the bond was pulled out from you?

[fol. 3911] A. No, sir, I don't.

Q. Now, following one of these conversations with Mr. Thompson in the summer of 1962 and following the return of this 26 count federal indictment, didn't he arrange for a meeting with you and Mr. Daniels and Mr. Pitcher?

A. I couldn't swear to who. I don't know. I don't know

who arranged the meeting. I will just answer you that way, for sure.

Q. You can't swear to that either?

A. I can't swear to it because I don't know which one did.

Q. Now, Mr. Pitcher you testified was the district attorney in Baton Rouge?

A. Yes, sir, that is what his title is.

Q. Now, you knew Mr. Daniels, too, didn't you?

A. I knew him quite awhile.

Q. And he was also in the law enforcement business?

A. Yes, sir, he was.

Q. And isn't it true you knew him because you were a subject of some of his investigations?

A. I knew him prior to that.

Q. And did you also know him as a result of being a subject of some of his investigations?

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[fol. 3912] Q. You knew him because you had been the subject of some of his investigations?

[fol. 3913] A. I assume he did.

Q. Sir, I'm going to ask you do you know him also as a result of you being a subject of some of Mr. Daniels' investigations?

A. In my opinion, yes.

Q. All right. And he is an investigator for the District Attorney at Baton Rouge, Louisiana?

A. Mr. Pitcher?

Q. Mr. Pitcher. Is that right?

A. I think that is his title. I am not sure of his title.

Q. Now, you had in fact a meeting with Mr. Pitcher and Mr. Daniels, sometime toward the end of the summer of 1962 concerning Mr. Hoffa. Is that right?

A. I can't answer the date exactly, yes or no.

Q. Well, you were in fact, you in fact had such a meeting, though?

A. I have had a meeting. Not concerning Mr. Hoffa.

Q. Sir?

A. Not concerning Mr. Hoffa altogether.

Q. Now, sir—

A. (Interposing) But I can't answer you, sir.

Q. My question is, did you have a meeting with Mr. Daniels and Mr. Pitcher sometime in the late summer of 1962 or if you don't know the date, did you in fact have [fol. 3914] a meeting with Mr. Daniels and Mr. Pitcher at which time Mr. Hoffa was discussed?

A. I believe I'm not supposed to answer that, sir.

Q. Sir, I'm asking you if you had a meeting?

The Court: Answer the question.

The Witness: Yes. Yes.

By Mr. Silets:

Q. Now, how did you become aware that there was to be such a meeting?

A. Either Mr. Edwards or Mr. Thompson or one of them told me. I am not sure which one of them told me.

Q. And pursuant to that information you went to have this meeting. Is that right?

A. Yes, sir, I believe that was correct.

Q. Who is Mr. Edwards?

A. He is a deputy or either lieutenant with the Sheriff's Department in Baton Rouge.

Q. And you went to that meeting. Is that correct?

A. Yes, I did.

Q. And now at that meeting you met Mr. Frank Grimsley of the Department of Justice for the very first time, didn't you?

A. I didn't know his title, sir. I still don't know his title.

Q. Sir, did you meet a Mr. Frank Grimsley at that [fol. 3915] meeting?

A. I met a Mr. Frank Grimsley there.

Q. That was the first time you met Mr. Grimsley?

A. That I can recall. I might have seen him but I didn't know who he was.

Q. Is that the first time you heard the name Frank Grimsley?

A. I believe it was, sir.

Q. Now, this is a meeting with you, Mr. Grimsley, Mr. Daniels, and Mr. Pitcher, was Mr. Edwards there too?

A. They had two other fellows that was there. I don't even know their names, sir.

Q. Well, we will get to that in a minute. You testified yesterday that at first you thought the meeting was possibly in a motel but then you told Mr. Berke that you thought it was held in Mr. Daniels' or Mr. Pitcher's office, isn't that right?

A. That's correct.

Q. And you told Mr. Berke that you placed the date of that meeting about 30 to 60 days before seeing Mr. Grimsley in Atlanta which would make it sometime around the middle of September of 1962?

A. I said in my opinion that was as close as I could get.

Q. Well, that is about right, isn't it?

[fol. 3916] A. I said I don't know for sure in my opinion.

Q. In your opinion then, that would place the meeting in Mr. Daniels' office, Mr. Pitcher's office, around the middle of September, 1962. Now, you say that there were two other persons there?

A. Yes.

Q. Were they identified to you?

A. I think they were with the government. They didn't tell me their names as I can remember. I can't recall the names, I'm not positive who they were.

Q. You don't remember their names but you think they were with the government?

A. I'm not positive.

Q. I mean when you say government, you mean Federal Government?

A. Yes, sir, of course.

Q. Not the State of Louisiana?

A. No.

Q. Now, at this meeting were you introduced to these other two men?

A. I'm sure I was, yes, sir.

Q. And you don't remember who they are?

A. I don't remember their names, no, sir, I don't. I said I think it was two. It may have been one. It may have been three.

[fol. 3917] Q. Sir?

A. I said it may have been one and it may have been three of them. I think it was that many.

Q. Now, you told Mr. Berke yesterday that the main purpose of this meeting had nothing to do with the Nashville trial?

A. Correct.

Q. But you did say that you had a plan to discuss the Nashville trial at this meeting, didn't you?

A. I don't recall that, sir.

Mr. Neal: What page?

Mr. Silets: Page 3565.

A. I don't recall that.

By Mr. Silets:

Q. Now, is it true that you didn't get into a detailed discussion of the Nashville case which was coming up in October because one of the parties who was to be at the meeting didn't show up?

A. No, sir.

[fol. 3918] Mr. Neal: Read it.

Mr. Silets: I am going to read it, Mr. Neal, if the Court will please bear with me.

The Court: All right, proceed.

Mr. Silets: "Question: All right. Now, Mr. Partin, you have already told us that you discussed in detail in Atlanta, Georgia, with Mr. Grimsley, about the Nashville Hoffa case, didn't you?

"Answer: I did not say that.

"Question: All right.

"Answer: You said it.

"Question: All right. Tell us again.

"I said we didn't get in a detailed discussion because one of the parties was supposed to have came didn't show up."

Q. You remember that?

A. I certainly do.

Q. Now, here's another question, "Mr. Partin, didn't you tell the jury that the first time that you went into this Hoffa case of Nashville into any detail was when you saw Mr. Grimsley in Atlanta?

"No, sir, I said it was went into detail at all but we didn't get to talk about the thing as far as detail because we hadn't got to talk, in fact, have to back up, the majority part of the meeting was for something else."

[fol. 3919] A. That's correct.

Q. Did you understand?

A. I sure do, I understand what I was trying to say.

Q. All right. Well, now, am I mistaken then that the meeting that you had with Mr. Daniels, Mr. Pitcher, Mr. Grimsley and two other men, you did not discuss the Nashville case?

Mr. Neal: Now, your Honor, I want to point out and object at this point. Mr. Silets said, "You said yesterday that you went into the Nashville case in Mr. Pitcher's office in New Orleans." And then gave us a page.

He has now read the page and it is quite obvious that Mr. Silets either inadvertently or deliberately, I am sure it was inadvertently, said that, "You said yesterday you went into it in Baton Rouge."

Mr. Silets: Your Honor, this is—

The Court: (Interposing) Overruled.

Mr. Silets: This is argument on the part of Mr. Neal.

The Court: Overrule the objection, disregard the argument.

By Mr. Silets:

Q. But you understand these questions and answers, apparently Mr. Neal thinks I didn't, but you do understand those, don't you?

[fol. 3920] A. Not the way you are putting them.

Mr. Neal: Your Honor, all I objected to—

Mr. Silets: (Interposing) I mean—

Mr. Neal: (Continuing)—was the misstatement of the record in saying, "You said yesterday you went into the details of the Nashville case in Baton Rouge."

Mr. Silets: Well, I am going—

Mr. Neal: (Interposing) The citing the record of a meeting in Atlanta.

Mr. Silets: Your Honor, Mr. Neal knows better than to argue his point now. Let me ask him these questions.

The Court: Overrule the objection, be up to the jury to decide who is quoting and misquoting any record.

Mr. Silets: That's right.

By Mr. Silets:

Q. Now, sir, did you at this meeting with Mr. Daniels, Mr. Pitcher, yourself and two other men, discuss the Nashville case?

A. As I told you before, if we did it was only casual to say the man was going to be tried, if it was discussed at all it would be a casual remark.

Q. It was discussed?

A. No, not as you are talking about it.

Q. Sir, was it mentioned in the course of the conversation?

[fol. 3921] A. If it were I don't recall it for sure, if it was it would be a casual remark, sir.

Q. You don't recall that conversation then?

A. I certainly don't recall a conversation concerning the Nashville trial as such, no, sir I don't.

Q. Now, at the time that you had this meeting with Mr. Pitcher, Mr. Daniels and these two other men, you had al-

ready been indicted on this kidnapping case, which had been on September 7th, 1962, is that right?

A. I believe it's correct, sir.

Q. All right.

A. I think so.

Q. You had already also been indicted on 26 counts of a federal indictment and that was pending against you too at that time, wasn't it?

A. Yes, sir, it was.

Q. And at that time there was a forgery indictment outstanding against you too and that was pending, wasn't it?

A. I think it was, sir.

Q. All right. Now, was this meeting before or after you had been indicted in Livingston County, Alabama, on the killing of a serviceman?

Mr. Neal: Your Honor, may we object to this, it's entirely repetitious, it's improper.

The Court: Overrule the objection. I believe we can [fol. 3922] proceed more rapidly.

Q. Was this meeting before or after you were indicted in Alabama?

A. I believe it was before, sir.

Q. You mean you were indicted after?

A. I don't know for sure, I don't remember, I think it was afterwards. There has been several—I am sorry.

Q. I haven't asked you any question, sir. You wait until I ask a question.

A. All right.

Q. Now, you left that meeting with these gentlemen and was there some arrangement for you to meet again at a later time with anybody representing the federal government?

A. Yes, there was.

Q. State to the jury what the arrangement was.

A. I met with them on a matter that wasn't connected with—

Q. (Interposing) Sir, I want to know, tell the jury if you had an arrangement and what the arrangement was for you to meet.

A. If your Honor wants me to tell it.

The Court: Not the subject matter, he is not asking the subject matter, just asking you about arrangement.

A. Yes, sir, I had arrangements.

Q. Now, what was the arrangement, were you to call [fol. 3923] somebody or were they to call you?

A. I am not sure but what I was supposed to call them or whether they were supposed to call me.

Q. All right, who was "them"?

A. I don't know the gentleman's name.

Q. Sir?

A. I don't know the gentleman's name.

Q. Well, now, let's get to the fact of what happened. Did you call somebody pursuant to this arrangement?

A. I said, sir, I don't remember whether I called them or they called me, it was something involved in between.

Q. What was involved in between?

A. If your Honor wants me to answer, I will answer.

Q. Don't relate what was said, just relate events.

A. I can't.

Q. You were relating events for Mr. Hooker, let's hear some of these. What events occurred in between?

A. In between the time I met, I am sure I was doing union business and so forth, regular order of business on the next meeting I had with the government officials.

Q. Now, these events that occurred in between, did it relate to the government, any event relating to the federal government?

A. Yes, what happened was leading up to an event that was related to the federal government, yes.

[fol. 3924] Q. Now, when you say it was in between, that was between the meeting with Mr. Daniels and Mr. Pitcher and between what else, the next time you spoke to the government people?

A. The next time the people you are talking of, government representatives met with me, sir.

Q. All right. When was the next time you met with any government representative?

A. It was just several days or two or three days or several days, I am not sure exactly when.

Q. Two or three days, several days what?

A. I can't answer you yes or no, I am not positive.

Q. Well, sir, two or three or several days what, after something, before something, what?

A. I said I can't answer you yes or no.

Q. I am not asking you for a yes or no answer, I want to know, you said two or three or four or several days, is it before an event or after an event? You are relating it to something.

A. It was before an event, yes.

Q. It was two or three or four days before an event?

A. Uh-hmm.

Q. That you next spoke to the federal government?

A. No, I probably talked on the telephone but I am confused on which ones you are trying to lead to, two different [fol. 3925] cases.

Q. I didn't want to confuse you, I don't want to confuse the jury, we are interested in the truth.

The Court: Ladies and gentlemen of the jury, there may have been some discussion at that time that related to matters that were wholly unrelated to this lawsuit and the Court has instructed the witness not to inject those matters that are wholly unrelated to this lawsuit.

By Mr. Silets:

Q. I understand, Mr. Partin. I am not asking you to relate what actually was said, I am trying to find out from you after the meeting with Mr. Daniels when the very next time was that you had either met in person or spoke on the telephone to a representative of the federal government. Do you understand that question?

A. It would have probably been the next day then.

[fol. 3926] Q. Who did you speak to?

A. It may have been Mr. Grimsley or it might have been the party involved in the other matter, sir.

Q. Do you mean the party involved in the other matter is a member of the Federal Government?

A. I hope he was.

Mr. Silets: Now, your Honor, would the witness be instructed to answer without making comments?

The Court: Well, just answer, try to answer the best you can. If you can't answer just say so.

A. I couldn't swear to it, he identified hisself as that.

Q. As being a member of the Federal Government?

A. Yes.

Q. Now, did he call you or did you call him?

A. I believe he called me, I am not positive.

Q. Do you know where he was calling you from?

A. No, I wouldn't if he called me, I don't know where he was calling from, I would think New Orleans, sir.

Q. You don't know because he called you, you don't know where it was, is that right?

A. No, I don't.

[fol. 3927] Q. Now, when after that telephone call the next day following your meeting with Mr. Daniels and Mr. Pitcher, when, if ever, was the next time you spoke in person or on the phone to somebody from the Federal Government?

A. A short period of time, sir. I couldn't swear to the date.

Q. Who did you speak to then?

A. The representatives involved in the other case I believe was the ones.

Q. Did you see that representative in person or did you speak to him on the telephone?

A. At the time I'm talking about I saw him in person.

Q. Where was that, sir?

A. Baton Rouge.

Q. Now, was Mr. Neal present?
A. No, if he was, he wasn't where I could see him.
Q. Was Mr. Sheridan present?
A. No.
Q. Who was present?
A. An expert with the division of the government.

The Court: If you know his name, just give his name. If you don't, say so.

The Witness: I believe one of them identified himself as a Smith. I'm not sure of it.

By Mr. Silets:

Q. John Smith?
[fol. 3928] A. I don't know whether a John Smith or not. I would know him if I saw him. I don't know who he was.
Q. What kind of an expert was he?
A. I couldn't swear to that.
Q. Do you know?
A. I couldn't swear to it.
Q. Did you ever know?
A. I couldn't swear to that.
Q. Do you mean you can't swear whether you ever at one time knew what kind of an expert he was?
A. Yes, I know what he did but I couldn't swear to whether he was an expert at it or not.
Q. Well, sir, I'm only repeating what you told the jury. You said there was an expert there.
A. In his division of what he was supposed to be.
Q. I want to know what he is an expert of? Don't look at Mr. Neal. You can answer those questions.
A. I was waiting on maybe Your Honor to say whether to answer it or not. I wasn't worrying about Mr. Neal.

The Court: Well, if it relates to the matter about which the Court has given you instructions upon, you don't have to say.

The Witness: It does, Your Honor.

Mr. Silets: Your Honor, I would like to then conduct voir dire examination of this witness out of the presence [fol. 3929] of the jury to determine whether in fact it does because we are relying upon his final determination.

The Court: Yes, sir, you will be permitted, Mr. Silets, to do that. Let's see if we can proceed.

Mr. Silets: Yes, sir. All right, Your Honor.

By Mr. Silets:

Q. All right, following your meeting with this expert, did you speak or meet with another government representative or when was the next time you spoke to a government representative?

A. Probably on the phone the next day I would guess. I couldn't swear to it.

Q. And did it relate again to this matter?

A. I believe for several days it did. I'm not positive of that.

Q. And on each of those occasions were you speaking on the phone to this expert in New Orleans?

A. I don't remember, sir, if it was an expert or who it was.

Q. Now, when, following your meeting with Mr. Daniels and Mr. Pitcher, did you have your first conversation in detail about the Nashville case?

A. Sir, I believe that as far as details, partial details, I believe it was in Atlanta or it could have been one prior to that in New Orleans.

[fol. 3930] Q. Now, with whom did you have that conversation?

A. I met with Mr. Grimsley the majority of the time prior to being in contact with Mr. Sheridan.

Q. Well, then you never heard of Mr. Sheridan until Mr. Grimsley told you about him. Is that right?

A. Oh, I heard of him, yes.

Q. You had heard of him?

A. Yes, sir.

Q. Was that through conversations with other government representatives?

A. No, sir, it was through the book, The Enemy Within.

Q. Who wrote that book?

A. I think Mr. Kennedy wrote it.

Q. That is the Attorney General of the United States?

A. I believe that is who the author is.

Q. Bobby Kennedy? Robert Kennedy?

A. I don't know him by that name. The Attorney General.

Q. When did you read that book, sir?

A. Well, every time I couldn't tell you the first time because the companies passed those books out when we would have an organizing campaign, pass the book out for you.

Q. Then you knew Mr. Sheridan as a close representa-
[fol. 3931] tive and close associate of Mr. Kennedy?

A. Yes, sir.

Q. When Mr. Grimsley talked to you. Is that right?

A. No, sir, because it was the way they talked, thousands of investigators involved in it, thousands of them.

Q. Well, and you made a mental note and you remembered Mr. Sheridan's name out of all those thousands?

A. I can remember a lot of them.

Q. You can remember a lot of them?

A. I can remember lots of names because I'm familiar with some of the people involved.

Q. You couldn't remember the names of people you worked for when you were a young man?

A. Certainly I couldn't. I could remember the names of the company but not the people.

Q. All right. Now, you had this meeting with Mr. Grimsley?

A. Yes.

Q. Now, will you tell us when that meeting was?

A. It was all in a close period of time prior to me coming to Nashville.

[fol. 3932] Q. Now, it was following that time you spoke to Mr. Hoffa in Newark, New Jersey, wasn't it?

A. No, that is when I was given the phone number of Mr. Sheridan to contact.

Q. Isn't it true that you spoke to Mr. Grimsley and then you spoke to Mr. Hoffa, isn't that the sequence of events?

A. I don't think so. It may have been.

Q. All right.

And then after speaking to Mr. Grimsley and then to Mr. Hoffa you spoke to Mr. Grimsley and he gave you Mr. Sheridan's number in Nashville. Is that right?

A. I didn't say that, sir.

Q. Is that right?

A. I couldn't answer that without knowing what you are speaking of.

Q. Will the reporter repeat the question?

A. I can't answer it yes or no, because I'm not positive what the chain of events were.

Q. You are not positive of the sequence of these events. Is that right?

A. It was so many phone calls and conversations relating to different other matters along with that.

Q. And these happened step by step, didn't they?

A. I wasn't told to keep up with them either and remember them.

[fol. 3933] Mr. Silets: Now, your Honor—

The Court: (Interposing) Yes, just disregard that.

The Witness: Sorry, your Honor.

By Mr. Silets:

Q. Now, after you met with Mr. Grimsley in Baton Rouge before you went to Nashville, you say you met with him in Atlanta?

A. Yes, sir.

Q. And did you discuss the coming Nashville case?

A. No, sir, I don't think it was in detail. As I said, before the third party—

Q. (Interposing) I didn't ask you whether you discussed it in detail.

The Court: He didn't ask you whether you discussed it detail. He just asked you if you discussed it period.

The Witness: In a casual way. Pardon me, sir.

By Mr. Silets:

Q. You did in fact discuss the Nashville case?

A. I have said that casually, in a casual way.

Q. Your answer is you did discuss it?

A. I can't answer you yes or no.

Q. You can't answer it yes or no. All right, when you were going to Nashville the first time you changed planes [fol. 3934] in Atlanta, didn't you?

A. I don't recall. I think so because you sometimes, yes, you do, because you can't go into Nashville from New Orleans. You are correct.

Q. Now, when you changed planes in Atlanta, you did call Mr. Grimsley and tell him you were on your way to Nashville, didn't you?

A. I'm sure I did. I can't swear to it, but I ordinarily would have, yes.

Q. Now, when you talked to him on that occasion, tell these ladies and gentlemen what he said to you and what you said to him.

A. I can't tell them exactly what was said. I can tell them approximately what was said.

Q. You can't say the words that he told you and you can't say the words that you told him, isn't that true?

A. The basic part of it, yes, I can.

Q. That is true? I didn't get your answer, sir.

A. I didn't answer you.

Q. Can you answer?

A. Not yes or no to the words, no, sir, I cannot.

Q. Now, you testified that when you got to Nashville it was noon on what day?

A. I didn't testify to that, sir.

Q. Well—

[fol. 3935] A. (Interposing) I said around noon.

Q. When did you get into Nashville the first time?

A. I said around noon October 22nd.

Q. Is that the time the plane landed? Is that what you mean when you got into Nashville?

A. I don't know, sir. I came from the airport. It is quite a ways out. I said around noon. That is as close as I can tie it down for you.

Q. Well, that is what I want to know, sir, what happened at noon, did you land or did you get to the hotel or what?

A. I would just guess, sir, if you like for me to do that.

Q. I don't want you to guess, Mr. Partin, and the ladies and gentlemen of the jury don't want you to guess. Just tell us if you know.

A. I couldn't tell you the minute I landed, no, sir. I could tell you the approximate time I landed, how long it would have taken to have gotten—

Q. (Interposing) Sir, what happened at noon? You said you arrived in Nashville at noon, do you mean that is when you came into the city or you came to the hotel?

A. I didn't say I arrived at noon. I said around noon.

Q. Well, now, when you say you arrived, do you mean [fol. 3936] that you came into the city or you came to the hotel?

A. I got into the city around noon.

Q. And what time did you get into the hotel that was so far from the airport?

A. It would be sometime along there because they were eating. Some of the people were eating. The court wasn't recessed at that time.

Q. Court was what, sir?

A. Court wasn't recessed.

Q. Was not recessed?

A. Well, Mr. Hoffa came walking in and I took it for granted he came from court.

Q. Well, you checked into the hotel, did you go up to your room first?

A. I don't remember whether I left my baggage for the man to take up or I took it up. I don't remember.

Q. And the first thing you remember is going into the coffee shop?

A. In detail, the first thing I remember is going into the coffee shop, yes.

Q. Now, tell us what you did and who you saw and relate the conversations you had, what you said, what the other party said, when you went into the coffee shop?

A. When I went into the coffee shop, I'm telling you as close as I can after hearing it 50 times.

[fol. 3937] Mr. Silets: Your Honor, may the witness be instructed?

The Court: Just answer.

[fol. 3938] A. All right, sir. As close as I could remember I was in there, Mr. Dorfman and Mr. Tweel either sat at a table with me or I sat at a table with them. Mr. Quinn, as I knew him, then identified himself as Mr. Quinn, introduced hisself as Mr. Quinn, said he had places in New York and West Virginia, he was in the cigarette vending machine business.

Q. All right. Now, let me get this straight, sir. You say you sat down at a table, Mr. Dorfman was at the table and a Mr. Anthony Quinn, somebody who introduced himself to you as Anthony Quinn, was at that table?

A. I didn't say—either they sat down at my table or I sat down at theirs.

Q. Well, you were all together at one table?

A. That's correct.

Q. Now, this conversation between you and Mr. Quinn, was that in the presence of Mr. Dorfman?

A. Yes, he was there.

Q. And this man told you he was Anthony Quinn?

A. That is correct. And you didn't let me finish telling you who all was there.

Q. Who else was there at that table?

A. A one-armed gentleman came up, who I later found

out was one of the fellows, I believe it was a Mathison, or something like that, he was on trial there.

[fol. 3939] Q. He was on trial?

A. He was a witness or on trial, he was there for that purpose relating to the case, he came up.

Q. Did he sit down at the table?

A. I think just briefly he came in and talked just briefly.

Q. Was he there when you had a conversation with Anthony Quinn?

A. I believe he had walked off and sat over to the other table.

Q. So it was you and Mr. Dorfman and Anthony Quinn?

A. Yes, sir.

Q. Now, what did Anthony Quinn say to you, what did you say to Anthony Quinn, now, just say what he said and what you said?

A. In detail I can't answer you, I can't tell you the basic parts of the conversation.

Q. No, sir, I want to know what was said, what words were spoken.

The Court: Tell what was said.

A. I asked Mr. Dorfman where Mr. Hoffa was. He told me and I asked him how things looked. He told me who was—

Q. (Interposing) What did he tell? Tell me what he said, sir, I want you to tell us the conversation.

[fol. 3940] A. He said he didn't know, he had just got in shortly before.

Q. Did he tell you when he got in?

A. No, he didn't tell me exactly when he got in, no.

Q. But he said he got in shortly before?

A. Um-hmm.

Q. All right. What else did he say or what did you say?

A. The majority of the time was talked to Mr. Quinn about his cigarette vending machine business.

Q. You tell us what was said, Mr. Partin, don't tell us what you now summarize was said, tell us what was said.

Q. I have told you once what Mr. Quinn said, I will tell you again what he said. He introduced hisself as Anthony Quinn, told me what kind of business he was in, where he had an apartment in New York, that he had businesses, he had a place in West Virginia and New York, wanted to know what I was doing, what my—

Q. (Interposing) You just tell me what he said and what you said in return, we want to know what the conversation was, we don't want you to summarize it.

A. Well, it wasn't of any importance to it, so I can't remember the exact words that was said on that one.

Q. Oh, well, then, you are just guessing what was said [fol. 3941] because it was not of importance?

Mr. Neal: Your Honor—

A. (Interposing) No, sir.

Mr. Neal: I object to that. Everyone who has ever tried a case knows the witness can tell in substance what was said. You never can ever be expected to remember every word that was said.

Mr. Silets: Your Honor, when the witness is making the statement concerning conversations which are being used as declarations or admissions against the interest of a defendant—

The Court: Overrule the objection. He asked for the exact conversation. If you can give the exact conversation say so, if you cannot give the exact conversation—

The Witness: (Interposing) I can't give it exact, no, sir.

The Court: All right.

By Mr. Silets:

Q. Now, how long had you known Mr. Quinn before he told you his life history?

A. About five minutes, I would imagine, I had known him at the table.

Q. In the space of five minutes he gave you all that information about his background?

[fol. 3942] A. I sat at the table, he gave me that, we had another meeting after that, sir.

Q. Sir, you are relating a conversation at a table in a coffee shop in the Andrew Jackson Hotel in Nashville, Tennessee, on October 22nd some time after noon, is that right?

A. That is right.

Q. All right. Now, as to that conversation he had known you in a space of five minutes and he related all of that information to you?

A. No, sir, he related it in his room.

Q. Well, in other words—

A. (Interposing) The last life history.

Q. You are testifying now as to a conversation in the coffee shop, it didn't occur in the coffee shop, did it?

A. You said that I didn't.

Q. Did it occur in the coffee shop?

A. Which part, sir?

Q. Well, let's start all over again, Mr. Partin.

A. All right.

Q. Relate the conversation that occurred in the coffee shop in the Andrew Jackson Hotel on October 22nd.

The Court: Now, Mr. Silets, do you want it in exact detail or do you want him to do it in substance?

[fol. 3943] Mr. Silets: I want him to either in detail or substantially.

The Court: All right.

Mr. Silets: Relate the conversation. I don't want him to summarize what was said, your Honor, because I don't think that is competent.

A. He introduced hisself as Anthony Quinn, told me what kind of business he was in, vending machine business, he had places in West Virginia and New York, and just a general run of conversation that would be like, "Where did you come from? Where are you from?", or something of that kind.

Q. Was there anything said in that conversation, anything else?

A. By which one?

Q. Well, sir, we are now talking about a conversation in the coffee shop in the Andrew Jackson Hotel on October 22nd, some time after noon in the City of Nashville in the State of Tennessee.

A. I am familiar with where it is.

Q. All right. Now, what else, if anything, was said at that time at that table?

A. I asked Mr. Dorfman what time court got out, I believe, or something along those lines, I can't tell you exactly, sir, a general run of conversation that three men would [fol. 3944] have sitting down drinking coffee.

Q. All right. Did you report that conversation to Mr. Sheridan?

A. No, sir, not the conversation.

Q. You did not? You mean you reported something about sitting at a table?

A. Who?

Q. To Mr. Sheridan.

A. Who I had met with, yes.

Q. You reported to Mr. Sheridan that you had met then with Mr. Dorfman and Mr. Quinn and not the conversation?

A. I don't remember reporting—I wouldn't have any reason to say what the conversation was on that.

Q. Well, what reason would you have reporting the fact that you met with them?

A. Because later when the man told me who he was I suspected something.

Q. Oh, you suspected something because he told you who he was, is that right?

A. Why would he hide his name?

Q. Why did you hide the fact that you were working for the government?

A. I didn't try to hide it from the people I was working for.

Q. Did you hide it from the people you were talking to in [fol. 3945] the Andrew Jackson Hotel?

A. I certainly wouldn't have been silly enough to go tell them.

Q. Sir?

A. I certainly wouldn't have been silly enough to go tell them.

Q. No, I guess—so you suspected Anthony Quinn and you called Mr. Sheridan on the very first day to tell him of your suspicions, right?

A. No.

Q. Wrong?

A. Not in the light that you are trying to put it. I said after he told me what his real names was and what purpose he was there for then I reported it to Mr. Sheridan.

Q. Well, now, was there anything else said at this conversation in the coffee shop that you—well, I guess you have already testified to that—you said that you did not report the conversation in the coffee shop to Mr. Sheridan.

A. I said the substance of the conversation, no, the fact—

Q. (Interposing) All right. Now, did you meet with Mr. Anthony Quinn after you left the coffee shop?

A. Yes, I did.

Q. And where was that, sir?

A. I passed him and may have briefly spoke to him in the [fol. 3946] lobby but I met him in his room. When I met him he told—

Q. (Interposing) The next time you spoke to him was in the lobby, is that right?

A. I saw him in the lobby so much I couldn't—yes, as far as—that's right, you are right on that.

[fol. 3947] Q. All right. Now, did you talk to him then?

A. Yes, I did.

Q. Tell the jury what he said and what you said.

A. He told me, he laughed and he said—, shook hands with me again and said, "My name is really not Anthony Quinn", said, "I didn't know who you was at first."

He told me his real name and invited me to come up and talk to him. He said he had some friends he wanted to talk to me about and in the substance of that, in other words, "Come up and see me, come up to my room."

Q. What did you say to him?

A. I told him I would.

Q. How long had you known him up until this point, five minutes, wasn't it?

A. No, I didn't say that.

Q. Well, you had met him some time after noon time, isn't that right, you had a five minute conversation with him in the coffee shop and then you met him for the second time in the lobby.

A. Uh-hmm.

Q. That's right, isn't it?

A. That is correct.

Q. All right. Now, he invited you up to his room.

A. Uh-hmm.

Q. At one time, right on the spot or at a later time in [fol. 3948] the day?

A. It was later because I had talked to Mr. Hoffa to see who he was at first, in regards to who he was.

Q. Let's stick with Mr. Quinn. Now, when he invited you to his room did he tell you when he wanted you to come up?

A. He just said, "Come on up," and he told me what room he was in.

Q. What time was that?

A. It was after the conversation I had with Mr. Hoffa, so it would have been a couple of hours later, I would guess, just guessing.

Q. Was it night time?

A. No.

Q. Still light, daylight outside?

A. It was daytime, yes.

Q. Now, did you phone his room before you went up?

A. No, sir, I think I saw him going up the elevator and I went on up.

Q. And you went up to follow up your suspicion?

A. I may have called him, I don't know, but I think I just saw him going up and went up.

Q. You went up there to follow up your suspicions, is that right?

A. Do what?

[fol. 3949] Q. You were suspicious of Anthony Quinn so you arranged to go and agreed to go to his room?

[fol. 3950] A. I went after I discussed the situation with Mr. Hoffa.

Q. You were suspicious of Mr. Quinn, though?

A. Well, I wondered why a person would give one name and be another person, yes.

Q. And he had already explained to you in the lobby he wasn't Mr. Quinn.

A. Yes.

Q. Now, you went up to his room?

A. Yes.

Q. Who else was there?

A. No one was there.

Q. Just the two of you?

A. Yes.

Q. Now, you say that he explained that he wasn't Quinn, and this is in the lobby, and he said he was Nicholas J. Tweel?

A. He may not have said Nicholas J. Tweel. He told me he was Nicholas Tweel.

Q. Nicholas Tweel, that is what he told you?

A. I don't know about what all front name he used on it. He said he was Tweel.

Q. Said I'm Tweel?

A. No, I didn't say he said he was Tweel.

Q. What did he say, Mr. Partin?

[fol. 3951] Mr. Neal: May I have an objection, Your Honor? I believe he is arguing with the witness.

The Court: Overrule the objection.

By Mr. Silets:

Q. What did he say?

A. I didn't have a reason for catching every little thing he threw at that time, sir.

Q. You didn't have a reason at that time, I thought you said you were suspicious because he didn't give you his right name.

A. Well, after he explained to me why, he didn't tell me what he was there for at that time. He didn't tell me he was there to do what later he told me he was there to do at that time.

Q. All right. You went up to his room?

A. Yes.

Q. And you and him alone?

A. Yes.

Q. What did he say to you and what did you say to him?

A. Well, he told me what he was doing there.

Q. Just say what he told you and what you told him.

A. If you will let me tell it in my way I will.

Q. We, sir, don't want you to summarize or give your conclusions of what was said. We want to know what to the best of your recollection, what he said to you, and you [fol. 3952] said to him.

A. He told me he was down there because Mr. Allen Dorfman had called him and told him it would be a personal favor to him to come down and help set up a method to get to the jury. Then he went into other stuff about his brother being under investigation with the Internal Revenue. What he thought he would get out of it. He said he got him a big Cadillac. Got some money. Got kind of careless, but he thought he would get out of it. He told me at that time that he also—

Q. (Interposing) Didn't you speak a word to him?

A. Oh, yes, I was discussing with him.

Q. What did you say to him while he was saying all these things to you?

A. Well, one thing that was important, he told me he had someone that could make a contact for me in New Orleans regarding these charges I had. A good attorney.

Q. You discussed with him then the pending charges you had in New Orleans and you were getting an attorney?

A. He volunteered it. I didn't ask him for it.

Q. You mean he knew about the charges against you?

A. Evidently he did.

Q. How would he know that, sir? Do you know?

A. I don't know. How would he know to tell me about Judge Christianberry. An attorney called Boyle.

[fol. 3953] Mr. Silets: Your Honor, I move to strike that and I ask the Court to admonish the witness and tell him he knows better and he has been instructed on no less than six occasions outside of the presence of the jury to answer the questions as asked of him.

The Witness: I cannot answer as asked yes or no.

The Court: Yes, sir, just answer the question.

The Witness: I cannot answer as asked what he said in detail about my case, if you want to put it that way.

By Mr. Silets:

Q. Mr. Partin, did you learn of a story to tell to this jury before you took the witness stand?

A. Learn a what?

Q. Would you explain then how the answer that you gave me was word for word the answer that you gave on Tuesday, February 4, 1964, on Page 2964 of the transcript?

A. Yes, sir, I can, because—

Q. (Interposing) Word for word. You said he said that Mr. Dorfman had called him and told him it would be a personal favor to him if he would come down to Nashville and help them set up a method to get to the jury.

Those are the precise words you used today. Now isn't it true you learned a story to tell this jury?

A. I will answer it to them. When someone asks—

The Court: Just talk out.

[fol. 3954] Mr. Silets: Your Honor—

By Mr. Silets:

Q. Is it true or is it false?

A. No, I did not.

Q. All right.

Mr. Silets: Your Honor, I'm sorry for looking at the clock. I know the Court has a policy of having a recess at three o'clock.

By Mr. Silets:

Q. Do you have the exhibits?

The Court: Well, perhaps then at this time would be a good time for a recess.

Mr. Silets: Thank you, Your Honor.

The Court: Take a recess. Let's take about a ten minute recess, ladies and gentlemen. Likewise, Mr. Partin, you may take a recess but do not discuss your testimony.

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[fol. 3979] By Mr. Silets:

Q. Now, is it your custom to make notes?

A. If I had a number, sir.

Q. Sir, just answer my question. It is easy. It is a simple question. Is it your custom to make notes?

A. No, not ordinarily I don't, no, sir.

Q. Now, these weren't ordinary circumstances, were they?

A. No, they wasn't.

Q. And these were pretty important events to you, weren't they?

A. Correct. Sure was.

Q. Now, did you take notes of those important circumstances?

A. I didn't need to because I would call Mr. Sheridan as soon as I heard.

Q. And he took the notes?

A. I don't know whether he took notes or not. I told him.

• • • • • • •

[fol. 3988] Q. How many times did you eat at O'Brien's Beefery?

A. I would say three or four.

Q. Now, isn't it true that it was the custom of Mr. Hoffa and his party to eat at O'Brien's Beefery?

A. Yes.

[fol. 3989] Q. And when he ate there there were a lot of people in his party, weren't there?

A. Usually.

Q. That wasn't anything unusual for him to go there?

A. Not that I know of, no, sir.

Q. And you personally were in such a party of persons with Mr. Hoffa at O'Brien's Beefery on at least three or four occasions?

A. I am guessing, yes, sir.

Q. Well, would it be more?

A. I think I told you three or four and I was guessing at that.

Q. All right. Now, you remember, don't you, that it was their custom to go there in a cab?

A. Usually they did, sometimes they would walk for exercise.

Q. Sometimes they would walk there?

A. Walk there or either walk back, yes, sir.

Q. Now, did that happen on the three or four occasions that you were eating with Mr. Hoffa?

A. Yes, sir, we walked back the night I was there, we walked back the last night I can remember so distinct.

Q. The last night you were there you walked back?

A. I said the last night I was there on the occasion that I remember so distinctly.

[fol. 3990] Q. Well, what night was it?

A. You'd have to tell me the conversation. I am talking about the conversation on the telephone at the three places we talked on the telephone, if you will refresh my memory I could tell you about that.

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[fol. 4021] February 10, 1964

COLLOQUY BETWEEN COURT AND COUNSEL

Mr. Neal: Last week Mr. Silets demanded that all possible statements of Mr. Partin relating to matter on which he spoke to Mr. Grimsley and Mr. Daniels before the Nashville trial be produced for inspection by the Court. I put all these matters in the record. I had a full survey of all government files made with respect to that meeting. I now hand to the Court two documents, neither of which in the government's opinion is producible under the Jencks Act since they pertain to other matters which is no part of this case. The only portion of the documents, your Honor, which is arguably producible is the marked portion of document "A", which we have labeled document "A", while we think even that portion is irrelevant here, we will produce it for the defense's inspection on the Court's order.

I also have for the first time a complete, full set of the FBI reports dealing with that matter. I would like in the presence of the Court to get back the report I submitted to check it to make sure that it is the complete report. In other words, I now have the complete report in my hand, the FBI report dealing with the other matters.

The Court: You are referring to the sealed exhibit?

Mr. Neal: Yes, your Honor, that was submitted in the closed session with respect to that. Now, if I could have that back and look at that I could assure the Court that that [fol. 4022] is the full FBI report.

The Court: Exhibit No. 114. If the Clerk will get that please. It would not be among the regular exhibits because it was a sealed exhibit.

Mr. Neal: While that is being done, your Honor, may I hand to the Court documents "A" and "B". We submit that neither document is producible under the Jencks Act but the part we have bracketed, your Honor, on "A" may be producible and we have another copy in which that is clipped out and we are ready to hand it over if the Court thinks so.

The Court: All right.

Mr. Neal: With this I have made a complete survey of the government's files under the matter.

The Court: All right.

• • • • • • •

[fol. 4025] Mr. Neal: (Interposing) One other matter, your Honor. I'm still waiting for the Witness Maher to re-
[fol. 4026] turn and complete his cross examination if he has any example he could give the Court.

The Court will remember that we are still waiting for that example.

The Court: Mr. Maher is still here?

Mr. Haggerty: He is still here, your Honor. He is not in the courtroom or around the building but he is still in Chattanooga.

The Court: Well, do you wish to pursue that matter?

Mr. Neal: No, your Honor, if he does not report an example of testifying on the direct examination that there were numerous instances which I objected before the question was asked, I asked him to find one example. I told him we would be waiting for him.

Now, if he does not return and show an example in the transcript the government will assume that he was unable to do so and I think that is a fair assumption.

Mr. Haggerty: I will confer with Mr. Maher during the noon hour, your Honor, and if he can bring it in at 1:30 if he so desires.

The Court: All right.

• • • • • • •

[fol. 4027] The Court: • • • Gentlemen, let's be at rest just for a few moments until the Court has an opportunity to inspect the statements handed to it this morning as Exhibits A and B by the government.

The Court will at this time—do you have a letter opener, anyone have a letter opener—the Court will open Exhibit No. 114 and deliver it to the government for comparison

with their original document and this document No. 114 will then be resealed.

Deliver that to Mr. Neal.

Mr. Neal: Yes, sir.

The Court: Let's be in recess for about five minutes.

(Thereupon, a short recess was had.)

[fol. 4028] The Court: Gentlemen, the Court would wish to consider further matters in connection with the documents submitted by the government. There is an excerpt from document "A" that the Court will deliver to the defendants.

Mr. Silets: Could Your Honor mark that or have the clerk mark it with a number and the portion the Court is retaining and I presume sealing?

The Court: Yes, it will be sealed.

Mr. Neal: I have another copy of that.

The Court: This is Exhibit No. 118. This will be part of Exhibit No. 118. Exhibit No. 118 will be the sealed document. All right.

(Document referred to above was marked Government Exhibit No. 118, and sealed, for identification only.)

* * * * * * *

[fol. 4029] Mr. Neal: Now, Your Honor, with respect to Exhibit No. 114, I would like to submit for inclusion in that exhibit a full FBI report of the subject matter there. It [fol. 4030] will be in addition to the matters there. I think it is just an incomplete report. The clerk in the presence of the clerk I went through that Exhibit No. 114, I would like to submit this FBI report with that exhibit.

Mr. Schiffer: Your Honor, how could Mr. Neal go through that particular exhibit when the Court ordered it sealed?

The Court: The Court ordered the document opened in open court.

Mr. Schiffer: Today?

The Court: Yes, this morning.

Mr. Neal: And the clerk will say I believe that I went through that in his presence and gave him back all his material. May the record show that the clerk is nodding in the affirmative. I would like this report made a part of that. It is a report of the full matter.

The Court: All right.

Mr. Berke: Do you want that sealed, too?

Mr. Neal: I'm submitting it to the Court. I think it should be sealed but I'm submitting it to the Court.

The Court: All right. May I have it.

Mr. Neal: I am doing that because Mr. Silets suggested that we go through our files and make sure everything was there.

The Court: Exhibit No. 114 will be resealed at this time. [fol. 4031] Will you get me an envelope please to reseal that? The additional report that has been submitted the Court will inspect that at the first recess and then will take appropriate action.

Mr. Berke: If Your Honor please, we would like for this last document submitted to the Court to be treated as a different number so there will be no confusion.

The Court: Yes, Mr. Berke. I will reseal No. 114 as it formerly was without any additional documents being included.

Mr. Berke: Of course, we are not consenting it should be sealed. We think it possibly should be given to the defendants but it should have a different number.

The Court: Yes. If you will mark this then as—remark it as Exhibit No. 114. It having the original Exhibit number 114 in it.

Mr. Neal: Pursuant to the Court's direction we hand to the Court the transcript relating to the Grand Jury appearance of Edward Gray Partin.

[fol. 4032] The Court: Yes.

Mr. Branstetter: May it please the Court, I was merely trying to see if I can understand the record. This excerpt that has been handed us comes from what report signed by whom?

The Court: The excerpt comes from a report. May I see the excerpt?

Mr. Berke: Exhibit 118.

The Court: From a report by A. Frank Grimsley, Jr., it is an unsigned report.

Mr. Silets: Is the report marked, your Honor?

The Court: Yes, the report is marked as Document A.

Mr. Silets: It has not been given an exhibit number?

The Court: Not as yet, however—yes, it will be given No. 118. All right, gentlemen.

Mr. Branstetter: Could I further inquire, may it please the Court, that this will be placed with the sealed Document 118 or excerpted from that sealed document?

The Court: The portion you have is excerpted from that document and Exhibit No. 118 will just show that there has been a portion of a page excerpted and delivered to the defendants.

Mr. Branstetter: And will the portion excerpted be as-
[fol. 4033] signed a number as an exhibit?

The Court: Yes, Exhibit No. 118.

Very well, let's have the jury return.

Mr. Silets: Your Honor, before we proceed there is one further matter.

The Court: Yes, sir.

Mr. Silets: Actually two. First, before I proceed on my cross examination I would like to have access to the grand jury minutes so I may, in fact, cross examine; and

Secondly, on Pages 3928 and 3929 the Court had indicated that I would be permitted to conduct a voir dire examination of the witness outside of the presence of the jury to determine whether in fact some of the testimony he gave relates to matters other than that pertinent to the issue at hand or, in fact, relates to the issue at hand.

As the status of the situation is now, the witness is making his own decision of what is relevant and what is not relevant and we have no means to determine whether he is correctly making that decision or not.

The Court: All right, gentlemen, I will need to take time out at this time then to examine the grand jury minutes.

Mr. Silets: Thank you, your Honor.

The Court: And also consider the citation in the record [fol. 4034] to which you are referring.

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[fol. 4035] The Court: The FBI document submitted by the government as being the full report upon which Exhibit No. 114 was based, has been determined by the Court not to be a document or any portion of which would be subject to production at this hearing as having anything to do with—as being a document subject to production under the Jencks Act, and, therefore, that document will likewise be sealed and filed as Exhibit No. 118.

Mr. Silets: Your Honor, I believe the excerpt was marked as No. 118.

The Court: You are correct. Let that be filed as Exhibit No. 119.

(The document referred to above was marked for identification as Exhibit No. 119.)

Mr. Silets: If the Court please, for the record then, your Honor, may I enter my exception and renew my request for the entire document?

The Court: All right. I will allow that request to be overruled.

Mr. Branstetter: I think, may it please the Court, that applies to all defendants making such a motion?

The Court: Yes. Now, the Court likewise examined the Grand Jury minutes of the Witness Partin and is of the opinion that these would not be subject to production and [fol. 4036] should be filed as a sealed Exhibit No. 120.

(Grand Jury minutes referred to above were marked for identification as Exhibit No. 120.)

Mr. Silets: Your Honor, then may I enter my exception and ask that the document be shown to defense counsel?

The Court: All right.

Mr. Branstetter: That motion is made on behalf of the other defendants, I assume?

The Court: Yes. Yes. Now, gentlemen, may be have the jury return and the witness return?

Mr. Silets: Your Honor, has the Court ruled on my request to examine in voir dire the Witness Partin?

The Court: I have not. I will have to take time to examine that record.

Mr. Silets: Page 3928 and 3929 in the record.

The Court: Let me examine the record in that respect.

Mr. Neal: Your Honor, may I point out in that regard that on the out-of-court session and with respect to the report of the other matter that was a test related to an expert giving a test and so forth, I think that is what this relates to. I think that is what the witness is intending this to relate to.

Mr. Silets: Of course, your Honor, the issue is that the [fol. 4037] witness is now making his own determination of what is relevant and what is not relevant, and until we have had a full chance to determine that and the Court to determine which portion of his testimony is relevant, only the witness is acting as the judge and the jury.

The Court: All right, let me consider that.

* * * * * * *

[fol. 4039] Mr. Berke: One motion, if Your Honor please.

The Court: Yes.

Mr. Berke: We would like, on behalf of the Defendant Mr. Hoffa, to strike the testimony of Mr. Partin on the ground that at the time the witness was offered to the defendant Mr. Hoffa we had requested any and all Jencks statements in order that we could properly cross examine this witness.

The government attorney said there were no such Jencks statements, none were furnished to this defendant's counsel until this morning, and we say, therefore, we did not have a chance to fully cross examine this witness in the light of this Jencks statement, that it has upset the questioning of this witness to some extent, particularly on this main feature and that we have been trying to drive home to him, when he had this agreement to become an informer, the

purpose of the meeting, when it occurred, where it occurred and so forth, and we say that this Jencks statement comes too late insofar as this Defendant Mr. Hoffa is concerned.

The Court: I will overrule that motion.

All right, Mr. Silets, you will be permitted to examine the witness Partin in regard to the identity of the alleged expert or the field of expertise.

Mr. Silets: Your Honor, is it the Court's ruling you are [fol. 4040] restricting this vote of examination only to the expert situation?

There has been a number of conversations that he made the declaration, "Well, it didn't relate to this," and I would suggest to the Court that I should be permitted to go into this entire other matter, whether it be in the presence of the public or outside but in order to ascertain just what I can elicit from him in the course of that other matter that may pertain to this, that I be permitted to delve into it.

The Court: Well, I believe at this time you will be limited to just the question that was asked at the time of the objection in the record.

Have Mr. Partin return.

EDWARD GRADY PARTIN, a witness called at the instance of the United States of America, having been previously duly sworn, was recalled and testified further as follows:

Further cross examination.

By Mr. Silets:

Q. Mr. Partin, do you recall testifying with respect to a gentleman named Smith on Friday afternoon?

A. Yes, I believe that was his name.

Q. Sir?

A. I believe that was his name, I am not positive.

[fol. 4041] Q. All right. Will you relate the circumstances of that conversation?

A. I believe you asked me did I know a fellow named Smith.

Q. Didn't you answer a question placed to you that you had identified one of the persons at one of these meetings prior to the Nashville case as a man named Smith?

A. I don't recall that, sir.

Q. All right. Mr. Partin, do you recall a meeting in Baton Rouge prior to the Nashville case?

A. Oh, yes, sir. I understand what you are speaking of now.

Q. All right. Who was present?

A. I told you that to the best of my recollection on it Mr. Daniels, Mr. Pitcher, Mr. Grimsley, and I said, I think it was two fellows I don't know who they were, I believe I recalled, I said it may have been Smith or something, there was a name that I didn't remember.

Q. Well, you testified that they were representatives of the Federal Government, didn't you?

A. That was what I understood, yes, sir.

Q. Will you tell us how you were aware they were representatives of the Federal Government?

A. Well, that would get into something that—

Mr. Silets: Your Honor, this is the problem that we are [fol. 4042] having.

The Court: Yes. If you can state as to how you were aware they were representatives of the Federal Government without testifying as to any matters upon which the Court has instructed you are not pertinent or material to this case, you may do so.

The Witness: I don't believe I could say it without bringing it direct into it, I don't think I could because that was the way I was told who they were in that way.

[fol. 4043] Q. Who told you?

A. The people that was having the conversation with me.

Q. Well, which people?

A. The people that I don't recall their names offhand.

Q. Do you mean the two gentlemen that you were having the conversation with?

A. I said I thought it may be two other gentlemen. There was two there as far as I know or maybe might have been more as far as I know.

Q. There may have been more?

A. I said as far as I know. I am not positive. I know these people that I am speaking of.

Mr. Silets: Your Honor, again the witness is making the determination as to what is relevant and what is not relevant.

The Witness: Well, I don't know, sir. I don't recall.

Mr. Silets: We ask for the opportunity to go into this. He is making his own determination.

The Court: State your question.

Mr. Silets: Well, I will repeat the question, sir.

By Mr. Silets:

[fol. 4044] Q. How did you know these men were members of the Federal Government?

A. Well, later on something occurred later on after that meeting.

Q. Do you mean at the time of the meeting you did not know they were federal agents?

A. I was told they were, as I said before.

Q. By whom?

A. It was my understanding either directly or indirectly from the people at the meeting. The conversation.

Q. Individuals themselves?

A. I didn't say that.

Q. I am asking you, sir, who?

A. I have told you either three or four or five times.

Q. Tell it to me straight, Mr. Partin.

A. I have tried to.

Q. Who told you that these were federal agents?

A. In the general conversation it was my understanding as I said later, the occasion arose later then I knew they

were because I was showed their identifications in a later occasion.

Q. So you met with these two gentlemen pointed out in the presence of Daniels and Pitcher on a later occasion?

A. Yes.

[fol. 4045] Q. All right. Where was that meeting?

A. It concerned something that I've been instructed not to say.

The Court: Just tell where it was.

A. At the Holiday Inn.

By Mr. Silets:

Q. Holiday Inn, where?

A. Baton Rouge, Louisiana.

Q. Now, who was present at that meeting?

A. The fellow that I don't know his name for sure. I understood it to be Smith or something that way. I think a Mr. Peterson was there, I believe. I am not positive of that.

Q. Smith and Peterson. Were they the two men that you had seen and met in the meeting with Daniels and Pitcher?

A. I don't think Mr. Peterson was in the meeting.

Q. Well, what about Smith?

A. He was the same gentleman that was up there, yes, sir.

Q. Now, at this meeting with Daniels and Pitcher one of the two federal agents was Smith and the other one was somebody else other than Smith or other than Peterson. Is that right?

A. I didn't say that.

Q. Well, I am asking you, sir, was it?

[fol. 4046] A. I've tried to answer you on that and I cannot swear as to who they were, sir.

Q. But it was not Smith and was not Peterson?

A. I don't believe it was because I don't think so.

Q. All right, what is Smith's first name?

A. I do not know.

Q. What is Peterson's first name?

A. I do not know that.

Q. When did the meeting occur in Baton Rouge at the Holiday Inn with Smith and Peterson?

A. Meeting later on.

Q. Can you place it?

A. Not exactly, no.

Q. You say the first meeting was in August?

A. I didn't say that.

Q. Where was it?

A. Where at, will you repeat the meeting you are speaking of?

Q. I thought you said the meeting was in August.

A. I didn't say that.

Q. When was the meeting with Pitcher and Smith and Peterson and the other individual?

A. I told you approximately four to six weeks give or take a week or two. I wasn't positive of the exact time, I told you that before.

[fol. 4047] Q. Prior to the time the Nashville case started?

A. I said give or take a week or two, I wasn't positive.

Q. But in relation to the start of the Nashville case?

A. Do what now?

Q. When you refer to four to six weeks you refer it to some period of time, is that in relation to the start of the Nashville case?

A. I was using that as more or less a basis to try to judge.

Q. So four to six weeks before the start of the Nashville case you had a meeting with Daniels, Pitcher, Smith and another individual whom you cannot identify other than as being a federal agent?

A. To the best of my recollection.

Q. Following that meeting four or six weeks you had another meeting with Smith and Peterson, how long after the meeting with Daniels and Pitcher did you meet with Smith and Peterson?

A. I am not sure exactly how long that meeting was. It was later than the meeting in the office.

Q. How much later?

A. I said I can't say.

Q. Day, week or month or year?

[fol. 4048] A. I said I couldn't answer you to be exact.

Q. Well, in relation to the start of the Nashville case, when was it then?

A. In a matter of weeks or days, few days, few weeks. Week or two.

Q. Week or two before the start of the Nashville case?

A. I said I am not positive, sir.

[fol. 4049] Q. Did you ever see Smith or Peterson again after that meeting?

A. Oh, I have seen a fellow that called himself Mr. Peterson several times. Not in a meeting, though. Just pass by him. See him on the street.

Q. I didn't hear you, sir, someone was coughing. You have seen him several times to pass by him. Is that right?

A. Do you want me to answer the question?

Q. Yes, sir.

A. I said that I had passed him.

The Court: Try to hold the noise down in the courtroom, gentlemen.

The Witness: I said I have seen him on several occasions to pass by him. I may have talked to him once not about any case connected here or there. About football, to be exact, I think was the case.

Q. Where did you see him to pass by and talk to him once or twice?

A. On the street. I saw him in the postal building one time.

Q. What city?

A. Baton Rouge.

Q. Do you know him to be a federal agent stationed in Baton Rouge?

[fol. 4050] A. He has identified himself as such. I couldn't swear to it.

Q. Do you know him to be a federal agent stationed in Baton Rouge?

A. I believe I answered you, sir.

Q. Mr. Partin—

Mr. Neal: (Interposing) He has answered the question, Your Honor.

Mr. Silets: He hasn't answered the question, Your Honor. He is being evasive.

Mr. Neal: He is not being evasive.

The Court: I think he said he had identified himself as being a federal agent stationed there.

By Mr. Silets:

Q. Is he stationed in Baton Rouge?

A. From what I gather, I don't know. I didn't check on him.

Q. With what agency is he?

A. He is with the Federal Government. I couldn't swear to his title.

Q. Do you know him to be an agent of the Federal Bureau of Investigation?

A. In my opinion he would be. I couldn't swear to it.

[fol. 4051] Q. All right. Now that you have seen him in the street in Baton Rouge, he's an FBI agent, did you ever meet with him again?

A. I said I have seen him several times. I have never met with him as far as personal business or anything connected with the Chattanooga or the Nashville case.

Q. Where did you see him?

A. I told you two or three times, sir. I would be glad to repeat it again if you would like.

Q. Where did you see him?

A. I passed—

Mr. Neal: (Interposing) Your Honor, he answered that question, it seems to me, several times.

The Court: Sustain the objection.

By Mr. Silets:

Q. All right. You passed him on the street in Baton Rouge?

A. I said that, sir.

Q. And at that time you stopped and spoke to him, is that right?

A. I didn't say I stopped and spoke to him.

Q. I am asking you, sir, is that right?

A. I probably did speak to him. I said I had several discussions with him and most of them was in regard with just, "How are you doing?" Or, "How is football?" Or be [fol. 4052] discussing football and if I spoke to him it would be just—just be briefly and pass on by.

Q. Did you ever visit the offices of the FBI in Baton Rouge?

A. I think I—that when we had a subpoena that I went up to find it, I went to his office one time, he wasn't in, though.

Q. When you had a subpoena there?

A. Yes.

Q. What kind of a subpoena did you have?

A. On one of the cases you have spoken of so often.

Q. You mean one of your cases?

A. I didn't say one of mine. I said one of the cases you have spoken of so often.

Q. You tell us, sir, which case were you subpoenaed on?

A. I didn't say I was subpoenaed. It could have been for the local union, sir. We had a subpoena there, whether it was for the local union and an injunction case, it was a local union, whatever it would be, I went up to pick it up and we were called and told they had it.

Q. You had a subpoena concerning a union then, that is your testimony?

A. I did not say that, I said—

Q. (Interposing) Well, tell us, sir, what the subpoena [fol. 4053] was? It's an easy question.

Mr. Neal: Your Honor, what is this? The Court has indulged this gentleman an opportunity to examine about this so-called expert he testified to.

The Court: Yes.

Mr. Silets: Your Honor, I am trying. This is the very thing that I am trying to point out to the Court. He has now told me about a man named Peterson and conversations and he is an FBI agent. Now, I want to know, he has been in the FBI office, he says he has. Now, these are steps up the ladder, I mean, you can't stop. He has said now that Mr. Peterson is an FBI agent, he was there, there was a subpoena. I don't know what the subpoena was.

The Court: All right. Proceed.

A. Sir, I said in all of this I'm speaking from the best of my recollection. The subpoena could have been for several things. We usually, if we find we have one, we will go pick it up, they don't have to serve it on us, we go get it.

Q. Did Peterson call you to tell you there was a subpoena?

A. No, I think that the marshal there called and told us they had a subpoena.

Q. But you went to the FBI office?

A. I don't know where the office was at the time, I [fol. 4054] went up and asked and they told me it was down the hall.

Q. Now, it's your testimony that the subpoena related to union matters and not you individually.

A. I didn't say that.

Q. Does it? Did it relate to union matters and not you individually?

A. It could be several different reasons, sir.

Q. Well, tell us the several different reasons.

A. Well, it could have been picket lines, it could have been concerning myself, it could have been concerning one of the officers, it could have been concerning anything along there.

Q. Let's talk about concerning yourself. What would it be concerning yourself?

A. Well, we have several suits, we may have an injunction, as I have said before, it could be any manner of things, several of them have been issued there.

Q. Then you went—

The Court: (Interposing) Mr. Silets, let's see if we can't come back to the purpose of this.

By Mr. Silets:

Q. Let's go back to Mr. Smith and Mr. Peterson. When you met with them alone, that is, not in the presence of Daniels and Pitcher, do you recall that?

A. Mr. Pitcher definitely wasn't there, if Mr. Daniels [fol. 4055] came by he did not sit in on any meeting concerning us.

Q. Who else was present besides Smith and Peterson and yourself?

A. To the best I can recall that was the two that was present.

Q. And that took place at the Holiday Inn?

A. Yes, it did.

Q. Was that at your request or their request?

A. It was followed up on a matter that I cannot discuss with you, sir.

Q. Well, that matter that you can't discuss. When did it first arise so that it had to be followed up?

A. Prior to that, I can't give you the exact time, prior to the second meeting I told you that was a follow-up meeting.

Q. At the first meeting, were the arrangements, the first meeting is the one with Daniels and Pitcher being present —were there arrangements made for you to meet with Smith and Peterson at that time?

A. No, sir, not as such, no.

Q. All right. If there were no such arrangements then, how did you become aware of the fact that you were to meet with Smith and Peterson?

A. To the best I can recall Mr. Smith called me, I am not positive of that, or either I called him, I think he called [fol. 4056] me.

Q. Which is it, he called you or you called him?

A. I say the best I could recall, sir.

Q. Is what, you called him or he called you?

A. If you let me answer I will tell you. I don't remember exactly which one called but either he called or I called him.

Q. One or the other?

A. One or the other.

Q. Now, what did you say to him and what did he say to you on that telephone conversation?

A. I can't answer that, sir.

Q. Why can't you answer it?

A. I have been ordered not to answer that.

Mr. Silets: Now, you see, your Honor, it's impossible to examine the man without—

The Witness: (Interposing) I will be happy—

Mr. Silets: (Interposing) He is making the determination.

The Court: Mr. Silets, at the time that I permitted you to go into this matter you had a question that was as to what kind of an expert was this person identified possibly as Mr. Smith. You have never yet come to that question at all.

Mr. Silets: Well, your Honor.

[fol. 4057] The Court: I permit you to ask him that and let him answer, if he knows.

Mr. Silets: Your Honor, my position, of course, is that we can't ask one question out of the blue.

The Court: Well, we can't use this means, however, as a means of conducting your full cross examination in the absence of the jury.

Mr. Silets: Wouldn't do me any good, your Honor, to examine him fully in the absence of the jury. Every question that would be pertinent I have to repeat in front of the jury in order to make my point.

The Court: That's exactly the reason I think that we should get down to the question that you were permitted to examine him upon and then go back to the trial of the lawsuit.

Mr. Silets: All right.

By Mr. Silets:

Q. Mr. Partin, you made the determination that you cannot answer the last question. Can you tell us what kind of an expert Mr. Smith was?

A. Yes, sir, I can answer that what I was told that he was and what my opinion was that he was, a polygraph.

Q. Polygraph?

A. Correct.

The Court: All right. Let's have the jury returned.

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[fol. 4059] By Mr. Silets:

Q. Now, Mr. Partin, on Friday one of the things we had discussed was your testimony concerning two federal agents that you had met in the presence of Mr. Daniels and Mr. Pitcher, do you recall that?

A. Yes, sir.

Q. Can you give us the names of those two agents?

A. I believe I told you, sir, that one was Mr. Grimsley, I don't know for sure what the other one's name was.

Q. Wasn't the name of one of the other agents Smith?

A. I said I wasn't positive of it, sir, it's an awful common name, it would be a coincidence.

[fol. 4060] Q. Your testimony is you don't remember his name. Is that correct?

A. Yes, sir. That's correct.

Q. Did you ever have occasion to meet him again?

A. The same gentleman that I think was Mr. Smith, yes.

Q. Was that following your meeting with Daniels and Pitcher?

A. Yes, sir.

Q. Where did you meet him?

A. I think it was the Holiday Inn, sir.

Q. Where, what Holiday Inn?

A. Baton Rouge, Louisiana.

Q. Now, at the meeting with Daniels and Pitcher was this a subsequent meeting arranged for you to see this gentleman again?

A. No set date or place or anything, sir.

Q. How did it happen that you and Mr. Smith or this agent got together on a subsequent time?

A. Either I called him sir or he called me. One or the other contacted the other one to arrange the meeting.

Q. You don't remember who called who?

A. I said I believe to the best of my recollection he called me.

Q. Now you then went to this meeting at the Holiday [fol. 4061] Inn in Baton Rouge?

A. Yes, sir.

Q. Now when, will you fix the time when that was in relation to the start of the Nashville case?

A. Well, it was in between the other meeting so it would have to fit in between the four to six weeks, give or take a time, date of the Nashville trial, I couldn't fix the exact date.

Q. Well, the meeting with Daniels and Pitcher and Grimsley and this gentleman who might have been named Smith occurred four to six weeks before the start of the Nashville case?

A. No, I said somewhere in between there.

Q. I'm talking about the first meeting with Daniels, Grimsley, Pitcher and the two agents and yourself that occurred four to six weeks before the start of the Nashville case.

A. I say give or take. I wasn't positive of the exact time.

Q. Now the second meeting with this federal agent occurred following the meeting with Daniels and Pitcher but before the start of the Nashville case?

A. Yes.

Q. Who else was present at that meeting at the Holiday Inn?

[fol. 4062] A. I can recall Mr. Peterson.

Q. Who is Mr. Peterson?

A. He identified himself as an FBI agent or Federal Government employee or some federal employee. I took it that he was an FBI agent.

Q. Was it your impression also that Mr. Smith was an FBI agent?

A. Yes, sir. Definitely I understood that. No. No. Not FBI agent. He was a government employee.

Q. Do you know what agency he was with?

A. No, sir, I wouldn't know exactly what he was, no, sir.

Q. Now, how long did this meeting at the Holiday Inn take?

A. I'm not positive exactly of the time. It was probably an hour or two. And I think we met twice that day. I'm not positive of it.

Q. When was the second meeting at the Holiday Inn?

A. Later on during the day.

Q. Same day?

A. Yes, sir.

Q. Did you ever see Mr. Smith or Mr. Peterson after these two meetings at the Holiday Inn?

A. I have seen Mr. Peterson.

Q. Where did you see Mr. Peterson?

[fol. 4063] A. I have passed him on the street. I have seen him in the postal building.

Q. In Baton Rouge?

A. Yes.

Q. Do you know him then to be stationed in Baton Rouge?

A. No, sir. I couldn't swear to where he was stationed. In my opinion he is.

Q. And you saw him in the post office building in Baton Rouge?

A. Yes, sir.

Q. Under what circumstances?

A. One time I was getting the mail and just happened to see him there. Another time we had either got a call and told that they were looking for one of the members with a subpoena or looking for me with a subpoena and I went up to the courthouse which is the Federal Courthouse and post office and tried to find Mr. Tom Grace.

Q. Who?

A. Mr. Tom Grace, Federal Marshal there. He usually calls us to come pick up the things if we are not in when he comes out there.

Q. And on this occasion when the subpoena was received either for you or for the union, you went to see Mr. Peterson instead of Mr. Grace?

[fol. 4064] A. I was hunting their office. I hadn't been in the office where to I would know exactly where they were.

Q. Did you have a conversation with Mr. Peterson on that occasion?

A. I don't think Mr. Peterson was there. I asked someone else there and they directed me how to get to the office.

Q. Subsequent to these meetings with Peterson, have you ever spoken to him at any time?

A. If I would have seen him I don't remember how many times but I would have spoken to him if I had seen him to speak to him, yes.

Q. Well, sir, my question is, did you or did you not?

A. If I saw him or he saw me I spoke to him. I'm not positive, sir.

Q. What is your answer, you don't know?

A. I don't know, sir.

Q. All right. Now, did you ever speak to Smith or Peterson on the telephone following these meetings at the Holiday Inn?

A. I have called Mr. Peterson several times I would guess, two or three times, something like that. I don't believe I have ever spoken to Mr. Smith again.

Q. You spoke to Peterson two or three times, was that after the start of the Nashville case?

[fol. 4065] A. It could have been. It wasn't concerning the Nashville case, though, if I did.

Q. But it was or could have been following the beginning of the Nashville case?

A. Oh, yes. It would have been.

Q. Where did you call him from, Nashville?

A. I have called him from Baton Rouge when I called him. Wouldn't have occasion to call him from Nashville.

Q. You called him from Baton Rouge on these two or three occasions?

A. Yes, sir.

Q. Did you meet him pursuant to these telephone conversations?

A. No, sir, I don't think so.

Q. Do you know, sir?

A. Well, it wouldn't have been occasion, sir, as I said. If I—

Q. (Interposing) As a result of the phone call that you had on two or three occasions to Peterson, in Baton Rouge, did you meet Peterson in person face to face?

A. I don't believe I did, sir.

Q. Now, following all of these meetings with Peterson, Smith, Grimsley, Daniels, and Pitcher, and the other unknown Federal agents you had a conversation with, you said you had a conversation with Mr. Hoffa on the [fol. 4066] telephone.

A. Yes, sir, I did.

Q. All right, did you call Mr. Hoffa?

A. To the best I can recall I called his office in Washington.

Q. Now, where were you calling at the time you made the call?

A. From my office the first time.

Q. In Baton Rouge?

A. Yes.

Q. That is where your office is located, in Baton Rouge?

A. Yes, it is.

Q. Now, when you called Washington to whom did you speak?

A. Whoever answered the phone. I don't know who that was.

Q. Did you have a conversation?

A. They told me where he could be reached is all. Gave the operator or myself the number where he could be reached at.

Q. You were calling person to person?

A. Yes.

Q. So you didn't reach him at Washington and the operator obtained another number for you to reach him?

[fol. 4067] A. Yes.

Q. Where was the second number, Mr. Partin?

A. In New Jersey. I believe it was Newark, New Jersey.

Q. Do you recall when this phone call was placed by you?

A. Probably the same day I would guess.

[fol. 4068] Q. Yes, sir, can you fix the date?

A. No, sir, not exact date, sir, certainly couldn't.

Q. Now, was it the morning or the afternoon?

A. I couldn't swear to that, sir. I don't know.

Q. Did you ever relate this fact of this conversation that you say or this phone call that you say you made, did you ever relate that to any federal agent?

A. Yes, sir.

Q. To whom?

A. I believe Mr. Sheridan and maybe Mr. Grimsley that I was going up there, yes, sir.

Q. When did you relate the fact to Mr. Grimsley?

A. I would guess it would be the same day.

Q. Now, do you know, did you talk to Mr. Grimsley in person when you related this fact to him?

A. No.

Q. You phoned him?

A. That would have been, yes, sir, I would have had to have phoned him, I guess, because he wasn't there.

Q. Where did you phone him from, from Baton Rouge?

A. Yes.

Q. Where did you call him to in Atlanta?

A. I believe he was in Atlanta, sir.

Q. Do you know whether Mr. Grimsley took any notes of your conversation?

[fol. 4069] A. No, sir, I don't know.

Q. Well, the fact is that he did, sir. Now, that call occurred on October 18th, that was a Thursday morning, does that refresh your recollection? The call you made to Grimsley?

A. It would have been about that time. I couldn't swear to the date, sir.

Q. All right. That could be right as far as your memory is concerned?

A. As far as swearing to the exact date and time, yes, sir, that could be correct.

Q. Now, sir, after you got the number from the Washington office of the Teamsters, what did you do next, if anything?

A. I called Mr. Hoffa, I would imagine I called him right afterwards.

Q. Do you know?

A. I couldn't swear to the exact time, sir. All I know is what the conversation was when I talked to him.

Q. All right, sir. You called Mr. Hoffa at New Jersey? Is that right, following your call to Washington?

A. Yes.

Q. All right, on that instance, were you able to speak to Mr. Hoffa?

A. Yes, I was.

[fol. 4070] Q. You were put through immediately?

A. Well, I couldn't swear it was immediately. I wouldn't know. I talked to Mr. Hoffa.

Q. Isn't it true that you tried to reach him and you couldn't and you left a message for him to call you back?

A. I was, whether it was prior to this, I say, I don't know, I don't remember whether I called him or he called me back.

Q. It is possible you left a message for him to call you back, is that right?

A. It is possible, yes, sir.

Q. All right. Under those circumstances you say Mr. Hoffa then called you back?

A. I didn't say that, sir. You said it.

Q. Well, what is your testimony, sir, did Mr. Hoffa call you back?

A. It is possible he called me. I placed a call originally for Mr. Hoffa. It is possible he called me.

Q. Now, did he call you back on the same day?

A. Either he called me or I called him and I would guess it would be the same date because it would have been a follow-up on the telephone conversation.

Q. Then you don't have any independent memory, do you?

A. There was nothing significant on the date on the [fol. 4071] thing. The call is all I remember.

Q. Well, relating to the call since you feel that it's significant, did he call you back or did you get to talk to him initially when you called him?

A. I doubt if I talked to him the first time. Usually you don't. Sometimes you do. He could have called me back or I called him. I am not positively exact, as I say.

Q. But that is a significant fact, the fact that you talked to him, isn't that right? That is what you remember?

A. Sure.

[fol. 4072] Q. All right. And now you don't remember whether he called you back or you spoke to him on the time that you called him initially?

A. It wouldn't be important.

Q. What did he tell you when he spoke to you?

A. I believe he told me that I could come up and meet him up there.

Q. Well, just relate the conversation.

A. I can't.

Q. Mr. Partin?

A. I can't.

Q. You can't relate the conversation?

A. Not as you want me to, sir.

Q. You don't know what he said and you don't know what you said?

A. Yes, sir. If you will let me tell you I can tell you the substance of it.

Q. All right. You tell us what you said and what he said. You called him, it was your initial phone call. What did you tell him?

A. You ready for me now?

Q. Yes, sir.

A. Okay. The discussion was in regard with me meeting with him.

Q. Sir? Mr. Partin, we would like you—you called him [fol. 4073] or it was your phone call which initiated the conversation. You had the purpose in calling Mr. Hoffa. Will you tell us what you said to him when you first spoke to him? It was your initiation for this phone call.

Mr. Neal: Your Honor, just a minute. May Mr. Silets indicate whether he wants the exact words of the conversation or not?

The Court: Overrule the objection.

By Mr. Silets:

Q. Will you answer, sir?

A. Would you repeat the question, sir?

Mr. Silets: Would the reporter repeat the question?

(Thereupon, the pending question was read by the court reporter.)

A. Well, the best of my recollection was he said, "You can come."

Q. Now, wait a minute. You called him. You must have said something to him first. Now, what I want to know is what did you tell him you were calling about?

A. If I am not mistaken, and I have to answer that way, the attorney had told Mr. Hoffa wanted to talk to me.

Q. What attorney?

A. Mr. Ocie Brown.

Q. Mr. Ocie Brown?

[fol. 4074] A. Ocie Brown.

Q. He told you that Mr. Hoffa wanted you to call him?

A. They had talked to one another several times, indirectly or directly, I am not sure, I can't relate his conversation, I don't know.

Mr. Silets: Your Honor, may that be stricken and the jury told to disregard it?

The Court: Disregard that. Proceed.

By Mr. Silets:

Q. All right. Now, will you relate that again? Mr. Brown got in touch with you, is that your testimony?

A. What question do you want me to say? Your Honor, I am not clear what he—

Q. (Interposing) Well, you started to answer my question concerning what you had said to Mr. Hoffa on this phone call that you initiated and you said something about Mr. Ocie Brown and I want you to tell me what you are talking about.

A. It was developed out of the conversation with Mr. Brown that he had been talking to him back and forth and I told Mr. Brown that I was going to call Mr. Hoffa.

Q. You were going to call Mr. Hoffa?

A. Um-hmm.

Q. All right. Now, you initiated this phone conversation [fol. 4075] on October 18th?

A. Um-hmm.

Q. Now, what was it you said to Mr. Hoffa when you started this conversation?

A. I believe he asked me where I was at, I believe that was the first thing that was said.

Q. Sir?

A. I believe the first thing that was said that he said, "Where are you at?" To the best of my recollection I told him I was in Baton Rouge, that I wanted to talk to him and then he said, "Well," he said, "you can come up here." And he thought a few minutes, evidently, and he said, "No, I will be in Nashville the coming weekend." I believe he said, he said, "You can come on down there." He said, "I will be there Saturday or Sunday." Something along those lines or words.

Q. All right. Now, did you say to him at any time why you were calling or why he was calling back on your call, this phone call that you initiated, whether he called you or you called him, did you tell him the purpose for your call?

A. I talked to him so many times I wouldn't think there would be any use of going into it.

Q. Well, what was the purpose for your call?

A. Well, as I said, it was to discuss matters concerning personal affairs and union matters.

[fol. 4076] Q. Now, the personal affairs related to your bond on the indictment, isn't that right?

A. Some of them may have.

Q. All right.

A. They may have, I am not—

Q. (Interposing) Now, what union affairs were you going to talk to him about?

A. The Louisiana Creamery, I believe.

Q. Now, Louisiana Creamery didn't go on strike until the following January?

A. Yes, sir, but—

Q. (Interposing) Five months later.

A. You open a contract 60 days prior to the contract expiring, sir.

Q. When did the contract expire?

A. I believe it was in September the contract expired, to the best I can recall.

Q. That is your testimony, that it expired in September?

A. That's correct. I said the best I can recall, sir.

Q. Now, let's get back to Mr. Ocie Brown. When did you have this conversation with Mr. Brown?

A. It was prior to these meetings with these other people.

[fol. 4077] Q. What other people?

A. That I have named off to you, sir, Mr. Daniels.

Q. You mean the government people?

A. Yes.

Q. You spoke to Mr. Brown before you spoke to the government people?

A. Um-hmm.

Q. And that was about the indictment, the 26-count indictment that was returned against you in July, is that right?

Mr. Neal: Your Honor, this is becoming a harangue. This cross examination that is going over and over and over the same matters.

Mr. Silets: Your Honor—

Mr. Neal: (Interposing) He has been three days on the cross examination. We submit it's repetitive.

The Court: Overruled.

By Mr. Silets:

Q. The first time we have heard of the name Mr. Ocie Brown. Did you get my last question?

A. Sure didn't.

Q. You discussed with Mr. Brown in July of 1962 the 26-count federal indictment which was returned against you?

A. I would imagine I did discuss it with him, sir, that [fol. 4078] wasn't a conversation I had with him then, though, about that.

Q. Was Mr. Brown going to represent you in that 26-count federal indictment?

A. I will answer, if you want me to, what we was discussing.

Q. I asked you, sir, was Mr. Brown going to represent you in the 26-count federal indictment which was returned against you before you had all these conversations with the Federal Government?

A. I wouldn't know who was going to represent me for sure, I didn't have any set attorney that was going to represent me.

Q. But you were discussing the matter with Brown, is that right?

A. I tried to tell you, sir.

Q. Did you discuss the matter with Brown?

A. At the meeting that you are talking about—you are trying to confuse me, sir.

Q. Mr. Partin, I am not confused and I hope I am not trying to confuse you. We are only interested in getting all of the facts and, Mr. Partin, did you discuss with Mr. Brown in July of 1962 the federal 26-count indictment that had been returned against you in that month?

A. I would guess I did, it would be natural to.

[fol. 4079] Q. All right.

A. I am just guessing.

Q. Now, it was only after that that you had all of these conversations with the Federal Government?

A. Well, now, if I can answer your question and qualify it.

Q. It's an easy question and it calls for a yes or no answer.

A. No, it doesn't, sir, not with me, I cannot answer you yes or no.

Q. You can't answer a straight yes or no?

A. Not on that because it has been discussed several times since and before.

Q. All right. While you were in Nashville, Mr. Partin, working with Mr. Sheridan while the case was going on in the District Court, a court just like this, you knew that you were being followed by the FBI?

A. No, sir, I didn't know I was being followed by the FBI.

Q. You knew someone else was being followed by the FBI?

A. I heard it but just rumors of it, I didn't know.

Q. Who did you hear it from?

A. Mr. King told me he was being followed.

Q. Mr. Ewing King?

[fol. 4080] A. Yes, sir.

Q. And did you discuss that with Sheridan?

A. I discussed it with—no, not with—it would have been casual if I did.

Q. You mentioned the fact that King had said he was being followed by the FBI? What did Sheridan say in this casual conversation to you?

A. I didn't—I don't recall whether I had a conversation with him in regard to the FBI or not.

Q. Well, Mr. Partin, maybe there is a difference in understanding of what is the meaning of the word "conversation." When I say conversation I mean the exchange of any words, not a 15-minute or a 2-hour discussion, an exchange of words, do you understand?

Now, did you have an exchange of words with Mr. Sheridan about the fact that King had told you he was being followed by the FBI?

A. I probably did, sir.

Q. All right.

A. I probably did, I am not positive.

Q. All right. Now, will you tell us what was said?

A. Well, I don't remember the exact words, that was of no importance, that wasn't important.

Q. You make the decision it wasn't important, is that it?

[fol. 4081] A. Well, I wouldn't think so, the other people said it was just like Dick Tracy, is all they was thinking of, wasn't FBI agents following them, that's what Mr. Hoffa said.

Mr. Silets: Your Honor, could we have that stricken and the witness admonished to answer responsively?

The Court: That has been answered. Proceed.

By Mr. Silets:

[fol. 4082] Q. Now, isn't it your statement, your testimony this morning to this jury, that you had advised Mr. Sheridan of Mr. King's comments of being following by the FBI, whether it be casually or in detail, you did, in fact, advise him of that, isn't that the truth?

A. I said I would imagine I did, I couldn't swear that I advised him of it. It would be natural to, is what I said.

* * * * * * *

[fol. 4085] Q. Now I'm showing them to you one at a time, I'm showing you exhibit No. 102. Now, you indicated on observing that exhibit that you had arrived in Nashville on November 19, 1962, do you remember that testimony? Will you look at the document and see if that helps you refresh your recollection?

A. Yes, sir.

Q. And you stated that just prior to that time you had gone to Dallas, Texas for a grievance committee hearing, isn't that right?

[fol. 4086] A. I said the best I could remember it was a short one and the statement was short, it was a short time that I was there. It was only a day or two involved in the hotel bill that I had went.

Q. So you are not sure when you were in Dallas for the grievance committee hearing?

A. I could look at the bill and guess as I did that day.

Q. Take a look at that bill, that is the one that Mr. Hooker gave you when he asked you the question.

A. I don't believe that is the one that would be involved in Dallas.

Q. Do you mean it was a different bill?

A. Yes, sir, it was a shorter one.

Q. During the months of October, November, December 1962 did you attend any other grievance committee hearings in Dallas, Texas?

A. I don't think so.

Q. It was just one, right?

A. I said I don't think so.

Q. Well, was there just one?

A. They may have had several over there.

Q. Well, did you attend several or just one?

A. I said I don't think so.

Q. Well, sir, that is not responsive. I want to know did [fol. 4087] you or did you not?

A. I said I don't know.

Q. All right.

A. O. K.

Q. Now, you had testified that—(Interposing), well, did you ever go to Dallas, Texas for any other reason besides a grievance committee hearing in the months of October, November, December 1962?

A. I don't think so. Not that I can recall, sir.

Q. Now, you testified you called Mr. Tweel from Dallas?

A. Yes, sir.

Q. Where did you call him from?

A. From the airport.

Q. Did you use your credit card?

A. I don't have a credit card, sir.

Q. Did you call him from a pay phone?

A. Yes, sir, I did.

Q. Now when you testified for Mr. Hooker you said or did you, let me put it this way, when you made that call to Tweel was it on this trip?

A. I said I don't believe it involved this, sir. It was a shorter one.

Q. What trip was it?

A. I would have to look at the bills and see. I can't even [fol. 4088] recall exactly the date. That is the reason I would have to look at the bill and see.

Q. Was it before this or after this? Step by step, would that help you, that would help you, wouldn't it, was it before or after?

A. Step by step with them laid out where I could tell approximately how long I stayed here, yes. If I had to guess, it would be strictly a guess, it was afterwards.

Q. Well, you don't know then, that is your testimony?

A. Not unless it was brought up to me where I could look at the dates. It would have been a short hotel bill.

Q. Mr. Partin, will you answer my questions if you please, your answer is now you don't remember, is that right, whether it was before or after, you would have to guess?

A. I said if it was later like the other one was it was a short hotel bill, a matter of a couple of days would be all that would be involved.

Mr. Berke: Your Honor, we can't hear him.

The Court: Mr. Partin, just speak out loudly.

By Mr. Silets:

Q. Mr. Partin, you just talk to us, too, because I would like to hear what you said, you say you would have to guess whether it was before or after, isn't that right?

A. Sir, I said if you will put the bills down there where I could look at a short period of time.

[fol. 4089] Q. And my question, Mr. Partin, listen to my question, Mr. Partin. We can shorten this considerably. Just listen to my question and answer what I ask. Is it not true that in order for you to tell me when this call was made you would now have to guess?

A. The exact dates?

Q. Yes, sir.

A. Yes, sir, if it would be the exact dates I would.

Q. Now, you would also have to guess to tell me whether it was before this event represented by Government Exhibit No. 102 or after the event, is it not true that is what you just got through saying?

A. It wouldn't be too much of a guess but I couldn't swear to it. It would be afterwards in my opinion.

[fol. 4090] Q. But you would be guessing, wouldn't you?

A. Well, it wouldn't be as much of a guess, sir.

Q. Well, still it is a guess even though a little one. Now, as I recall your testimony you said you called Tweel because he had called your office and left a number for you to call?

A. Yes, sir.

Q. How many times had you seen Tweel face to face before you had this phone conversation with him?

A. Several times during the first day I was there. He was in and out.

Q. Well, only on one day?

A. Well, one I can recall the most of that day was because that is when he was telling me all the things he was telling me.

Q. Did you see him on the next day, October 23? You remember October 22 was the first day of the trial? Now, on October 23, did you see Mr. Tweel then?

A. If I saw him I don't think I had a conversation with him. It would have been in passing. I don't remember.

Q. Well, sir, I want to know did you see him?

A. I can't answer you yes or no on that.

Q. You don't know now whether you saw him or not?

A. I didn't say that, sir. I said that if I saw him it would have been casually.

[fol. 4091] Q. Sir, my question is, did you or did you not see him the next day after the start of the trial, namely, October 23, 1962?

A. I probably did but I didn't have a conversation with him.

Q. All right. You didn't have a conversation with him but you saw him on the next day, did you see him?

A. I didn't, no, sir, I did not say I saw him. I said I probably did.

Q. Well, is it your best recollection now that you saw him on the next day?

A. I would think I did, sir, because I just was guessing.

Q. Now, your best recollection is that you saw him on two days, did you see him on any other day before you talked to him from Dallas?

A. No, sir, the best day I can remember is on the first day because I don't remember any other day before that, no, sir.

Q. Now, you saw him on the 22nd, and your best recollection is you saw him on the 23rd?

A. I said he was there, I probably did. He was in and out.

Q. Mr. Partin, I just want to know what you know. Did you see him or didn't you? What is your best recollection? [fol. 4092] A. What I want to know, it all occurred on the first day, as far as person to person, so that is the only way I could tell you anything in detail about.

Q. Do you mean you don't know what happened on the next day?

A. Not in regard to him what he did, no, sir.

Q. Do you mean you have just memorized certain days and certain events?

Mr. Neal: I object to that, your Honor.

The Court: Strike the question.

By Mr. Silets:

Q. All right, your testimony is that you only can remember for sure seeing him on one day possibly the next day before you talked to him from Dallas, Texas?

A. I said I had a conversation with him, sir. I may have seen him because there was so many people there. Several hundred people running in and out.

Q. You know that when I say see him, I mean observe him, I don't mean to speak to him?

A. Yes.

Q. Now, did you see him to observe him on any day besides October 22nd, before you actually spoke to him from Dallas, Texas?

A. No, not before that date, I don't think so.

Q. So you saw him only on one day, the 22nd of October?
[fol. 4093] A. Yes, sir, and as far as I can remember of having conversations that day with him, yes, sir.

Q. Mr. Partin, I'm talking about observation like you are seeing this jury now, you see them, but you are not having a conversation with them. Now, did you see Mr. Tweel on any occasion before you spoke to him on the phone from Dallas, Texas, other than the first day of trial?

A. Not that I can swear to the time and place on, no, sir.

Q. All right, but in later event, your testimony is that Tweel had called you to tell you what he was doing, isn't that right?

A. That's correct.

Q. Now, in addition to that call from Dallas, Texas, you say that you called Mr. Tweel from Baton Rouge. Page 3356. Is that right?

A. I think I did, yes, sir.

Q. All right, you called him from Baton Rouge and now is that before or after you talked to him from Dallas?

A. That would be before.

Q. Now, did he call you or did you call him?

A. He called and left a message to call, several messages called that I didn't call back but I think that is the one he left.

[fol. 4094] Q. All right, he called you and this is the same man you had only seen on one day, October 22, 1962. Is that right?

A. Yes, he called quite often.

Q. How many times did Mr. Tweel call you all told?

A. I can remember talking to him two or three times. I don't know how many times he called and left numbers.

Q. Is that what you mean by quite often, two or three times?

A. I said I don't know how many times he left numbers to call that I didn't give him a call. I can distinctly remember two or three conversations, though.

Q. Now, you say that he called you, left a number in Baton Rouge, and this was after the time you called from Dallas, Texas?

A. No, sir, you said that. I didn't. I didn't say that.

[fol. 4095] Q. What is the fact?

A. If you will phrase the question—well, I know what you're asking, I will—

Q. (Interposing) Was the Baton Rouge call between you and Tweel before or after the Dallas call? I thought we had straightened that out.

A. I told you that I thought it was before the Dallas call that I talked to him.

Q. Not after?

A. I think I talked to him afterwards also.

Q. From Baton Rouge?

A. I am sure that he has called us several times, I probably returned the call from there, I am not positive how many I called, I know two or three distinct ones I can remember.

Q. All right. You remember the conversation where Tweel told you that he was coming back into Nashville and he would let you know?

A. Yes, sir.

Q. Which call was that?

A. That was one of the first calls.

Q. Well, was that in October or November or December?

A. I would guess on that call it would have been around—, I don't have all of them here so I can't look and make a guess on it.

[fol. 4096] I would say in the latter part of October and until around the 15th of November, I would, just guessing, not being able to look at anything.

Q. You mean you don't know from your own personal memory, you would have to guess?

A. Unless it was put to me, sir, in a chain of events I could pretty—

Q. (Interposing) Well, I am asking you in a chain of events, Mr. Partin. I am asking you to relate the sequence of events which calls came first, Dallas or Baton Rouge? That is a sequence or chain of events.

A. Well, the Baton Rouge—, the Dallas call would have

been close to the second to the last call, I would think, so the other call would have been from Baton Rouge, I would guess.

Q. Yes. The call was from Baton Rouge but when was it, before or after the Dallas call?

A. I said in my opinion it would be before the Dallas call.

Q. All right. It's before the Dallas call then?

A. Uh-hmm.

Q. Now, when would you fix that in terms of the time, you said late October or beginning of November or middle of November?

A. I would say to the last of October to about the 10th [fol. 4097] of November, somewhere along in there, I mean I am just guessing.

Q. That is your best memory right now?

A. That is correct.

Q. Now, you called him from Nashville also?

A. Yes.

Q. How many times did you call him from Nashville?

A. I didn't get him a couple of times that I called. It was probably two or three times because I didn't get ahold of him a couple of times.

Q. Let's talk about the time that you actually spoke to him from Nashville. Was there such an event?

A. Oh, yes.

Q. All right. Now, was that in our chain of events, can you tell us where that fit in between the Baton Rouge call and then the Dallas call?

A. That would have been one of the later calls I made to Mr. Tweel.

Q. You made that after the Dallas call from Nashville, Tennessee?

A. Yes, sir, I would think it would be one of the last calls.

Q. Sir?

A. I would think it would be one of the last calls that was made, yes, sir.

[fol. 4098] Q. All right. Now, your testimony is then that the first call was from Baton Rouge and the next call was from Dallas and then the call from Nashville?

A. Well, I had one from the airport, sir, I couldn't—

Q. (Interposing) Well, that was the one from Dallas. You said you called from the airport in Dallas?

A. No, one from the airport here— In Nashville also.

Q. When was that one?

A. It was after, it was one of the later calls also.

Q. That was also after the Dallas call?

A. I could explain it to you if you like for me to, sir.

Q. Sir, I just want you to put it in a sequence of events, that is what you have been asking us to do and that's what I want you to do, put it in a sequence of events.

A. Then you are—

Q. (Interposing) Was it after the Dallas call?

A. If you will lay the things down, sir, where I can keep in my mind where I can intelligently talk to these ladies and gentlemen I will, but not as you are putting them to me.

Q. Now, I'll ask you again, Mr. Partin, the call you made from the airport, where did it fit into the call which you have testified to a sequence of Baton Rouge, Dallas, Nashville, where did it fit in those three calls, this phone call [fol. 4099] from the airport at Nashville?

A. Well, the two calls from the airport fit in pretty close together.

Q. So it would be Baton Rouge, Dallas, Dallas Airport, Nashville Airport, or is it Baton Rouge, Nashville Airport, Dallas Airport?

A. I said the best of my recollection, sir, it was several calls made to Baton Rouge, I didn't return some of them, I said on the calls to the airport they relate directly together because if you'd like for me to I can tell you specifically why I remember the call from Nashville.

Q. I want you to relate the sequence of events, sir.

A. You don't give me an opportunity, I say.

Q. You want all that spread out in front of you.

A. To talk intelligently, yes, sir, because the events I remember, not the dates.

Q. How many long distance calls did you make to Tweel in Huntington, West Virginia, from Nashville?

A. I would say two or three, sir.

Q. Where did you make the calls from?

A. One from the airport and one or maybe two from my room, I am not positive of that.

Q. From your room?

A. Yes, sir.

Q. Now, you testified, as I recall, that the phone number [fol. 4100] of Tweel was kept by you in a little black notebook, so you had his number to call, is that right?

A. Oh, yes.

Q. Now, you were going to bring us a little black notebook. Do you have it with you?

A. I said if I went home, I didn't get home.

Q. Oh, you didn't get home?

A. I can remember the call pretty well, I remember the numbers, how many it was, I can pretty well tell you.

[fol. 4101] Q. Well, you testified, as I recall, that the number that you called—or let me ask it and rephrase that—the number you called in Nashville, was that the same one you called each time?

A. No.

Q. You mean you called different numbers? Pardon me, I am sorry, Mr. Partin. The number you called Mr. Tweel at, that was the same number?

A. I have several numbers on Mr. Tweel to call.

Q. Well, did you call the same number?

A. If I didn't reach him at one the operator may switch it over to the other, there were several numbers to call.

When I called him in New York she gave me three or four different places to reach him.

Q. In New York?

A. Yes.

Q. Three or four different places?

A. Um-hmm.

Q. But you reached Mr. Tweel in Huntington at a particular number which you kept in your little black book, that's true, isn't it?

A. I said I had his number, sir.

Q. All right. In this little black book?

A. Well, I don't know that it was black or red, I didn't [fol. 4102] look and check the cover on it, I would think it was a little black—

Q. (Interposing) That's the book you didn't bring today?

A. I didn't get a chance to, sir, I didn't get a chance to look for it.

Mr. Silets: All right. May we have an order on the witness to produce that, your Honor?

The Court: I will take that under advisement.

By Mr. Silets:

Q. Now, you have testified that on one occasion, that is, one day, Mr. Dorfman had made three phone calls to Mr. Tweel in your presence.

A. I don't remember saying that, sir.

Q. You don't remember?

A. Not saying he made three phone calls in my presence, no, sir.

Q. Well, perhaps I misunderstood you. Didn't you testify about a phone call at O'Brien's Beefery, a phone call at a railroad station and a phone call in a school yard?

A. That was when we got ahold of him, not trying to call him.

Q. Now, sir, didn't you testify about those three phone calls?

A. Oh, yes, sir, but that was when we reached him.

[fol. 4103] Q. You testified that was Mr. Dorfman who made the calls?

A. Yes, sir.

Q. And you testified he made them in your presence?

A. He certainly did.

Q. All right. Now, we have three phone calls made on one day in your presence to Mr. Tweel?

A. At night, yes, sir, late in the afternoon or night.

Q. All right. Now, you remember that the first call was made from O'Brien's Beefery?

A. Yes, sir.

Q. As I recall you testified, if I may quote you, "Mr. Dorfman asked me for Tweel's number and I handed it to him, I handed him the notebook with Tweel's number in it."?

A. Yes, sir, I did.

Q. Now, that is the same notebook you didn't bring because you didn't go home?

A. I imagine it would be, sir, that would have several things that I would be writing things down in it.

Q. But it's the notebook you were talking about when you answered Mr. Hooker's question?

A. Where I kept my phone numbers at that time, yes.

Q. Now, the second call, according to your testimony you testified, "I again gave him the number to call."?

[fol. 4104] A. That's right.

Q. And that was the same sort of a situation from this little book that you kept?

A. Identical.

Q. All right. Now, that was the same number again?

A. I don't know whether the operator switched him over to another number or not when he got on there. I told them the number where he could be reached most of the time. He may have got the operator on the other end and she switched him over.

Q. You don't know if the operator switched him or not?

A. I wouldn't have any way of knowing if she switched it over.

Q. I know. But what I want to know, and I think you have already answered and I don't want to belabor this, but it was the same number that you gave him in O'Brien's Beefery?

A. It was the same number I pointed out to him but he may have been switched around.

Q. Well, you don't know what happened with the operator?

A. I believe that—

Q. (Interposing) You gave him the same number?

A. If you will let me answer you, sir, I think I heard him [fol. 4105] say about calling back on another number or something but the best I can recall each time I gave him the book I opened it up to these numbers and the number on there was the one he called, which number the operator may have switched him to and said, "You can reach him at this number," I don't know.

Q. Now, the third of these three calls that you made after you left the third call, which you said you made after you left the railroad station, you testified, and I again quote, "And I gave him the number again on the book to call." That is your testimony?

A. Yes, sir.

Q. All right.

Mr. Reddy: What page?

Mr. Silets: That was 3338, Mr. Reddy.

By Mr. Silets:

Q. You gave the same number on all three of those situations. Now, you testified that the phone in O'Brien's Beefery, that was a restaurant?

A. Yes, sir.

Q. The phone in O'Brien's Beefery was not a pay phone, it was Mr. O'Brien's own phone?

A. Well, he said he didn't have a pay phone or something like that and showed us a phone back close to the cash register, I guess it was his private phone.

[fol. 4106] Q. It wasn't one where you dropped coins in the box?

A. No.

Q. All right. Now, when Dorfman made this phone call from Mr. O'Brien's private phone, you testified that, "He made a call to Mr. Tweel and couldn't get him."?

A. That's correct.

Q. Do you remember that?

A. That is correct.

Q. Can you give us more particularly the words that were spoken by Mr. Dorfman at the time he made this call?

A. Yes, I can tell you to the best of my ability.

Q. What he said into the telephone?

A. Well, if you will let me, sir.

Q. Yes, sir, that's what I want you to tell us.

A. All right. He went up to the phone and I wasn't as close to him then as I was on the other occasions because of the cash register being there.

Q. Because of the cash register?

A. The cash register was close to the phone. He asked me for the number. I gave him the number. He went over and I heard him tell the operator that he wanted to place a credit card call, gave them the number that I guess was the same number that I had gave to him because he was looking on the book.

[fol. 4107] Q. He was looking on your book?

A. Yes.

Q. Yes.

A. And then he said that he couldn't reach him. He told the man when he came back, he said he wasn't in at the time or that he couldn't reach him at the time or that he wasn't in, one or the other. When we walked back he told the man—

[fol. 4108] Q. Wait a minute. Wait a minute. I just want you, that is all there was to the phone conversation in O'Brien's Beefery?

A. No. You won't let me finish, sir.

Q. All right, we'll go through it step by step, Mr. Partin. I just want you to limit yourself to the conversation you overheard between Dorfman on the telephone and what he did with respect to the telephone. That is all there was to it.

A. You won't let me finish.

Q. All right, go ahead.

A. Then he told the man that ran the place that he was expecting a call. And to call him if the call came in.

Q. All right. So your testimony is then he left the message to have Mr. Tweel call him back at O'Brien's?

A. Either he left a message with the operator or whoever he was speaking to, whether it was the operator or someone on the phone, I don't know.

Q. Now, the second call you testified was placed from an open phone booth in the railroad station.

A. It was an open phone, yes.

Q. You testified and I will quote you from Page 3337, that he, meaning Dorfman, placed his call that time and did get Mr. Tweel?

A. That's correct.

[fol. 4109] Q. Now, you said that Tweel, he told Tweel he would call him back in a few minutes and the reason that you said in response to Mr. Hooker was the phone booth was open there and he couldn't talk. Do you remember that?

A. Yes, sir. That was essentially what was said.

Q. Now, both of these phone calls were you say credit card calls?

A. Yes. He didn't put any money in them.

Q. Well, did you see him pull out his credit card?

A. I heard him telling the operator, saw him pulling something out, I didn't look on it to see the numbers of the credit card call.

Q. Well, he pulled out something and he read it, told that to the operator?

A. Yes, sir.

Q. And that is how you know that the credit card was used. Now, who did you say went to O'Brien's Beefery for dinner that night?

A. Well, it was a good many of them went there. I think Mr. Kossman was there. Mr. O'Brien. Mr. Dorfman. Mr. Hoffa. Myself. I can remember those off-hand on it.

Q. Mr. Kossman, Mr. Dorfman, Mr. O'Brien?

A. And myself.

Q. Mr. Hoffa?

A. Mr. Hoffa.

[fol. 4110] Q. Anybody else?

A. Well, now, I don't remember right off who all they were. Always several people there. Five or ten, sometimes fifteen.

Q. Now, you have already testified that it was not an unusual circumstance for these people to go to this particular restaurant.

A. Not unusual as far as where they ate, no, sir.

Q. As a matter of fact, you have already testified that you personally were in such a party of persons with Mr. Hoffa on at least three or four occasions.

A. Yes, sir.

Q. Didn't you?

A. I believe I did.

Q. Now, on this particular occasion, can you tell us when the date was?

A. Sir, if you will let me bring it up to date like I was doing, like it happened, like it was done, I will. If you will lay the things down where I can half way place the time.

The Court: If you can tell a date, just say so.

The Witness: No, sir, I cannot tell a date, no, sir.

By Mr. Silets:

Q. All right, this whole group of men were there, any [fol. 4111] women with you?

A. No, sir.

Q. This whole group of men left the hotel together, Andrew Jackson Hotel, to go to dinner?

A. Sometime I would have to answer you this way.

Q. This particular night.

A. I don't know how they got there, sir.

Q. How did you get there?

A. I believe I went in a taxi.

Q. Who was in the taxi with you?

A. I'm not positive. We just piled up in the taxis to go on up there and get out, several taxis.

Q. Do you remember what time that was? Dinner time I expect?

A. It was along about, well in the afternoon because we were eating there.

Q. Sir?

A. It was in the evening because we were eating.

Q. All right, so it was about evening time that you left to go to O'Brien's from the hotel and it is your best memory that you and perhaps others went in a taxi cab, several cabs?

A. Yes, sir.

Q. Now, what time was it when Dorfman made the call from O'Brien's to which you have testified?

[fol. 4112] A. I'm not positive of the time, sir. It would have been dark. I don't know what time because, well, we were eating, so we wouldn't have been up there eating unless it was.

Q. Would you say it would be after six?

A. Yes, sir, I would say it was after six.

Q. Maybe as late as seven o'clock?

A. It is possible, sir. I couldn't swear to the exact time.

Q. Now, after the conversation with or after Dorfman went over to the telephone behind the cash register, he went back and had dinner?

A. Yes, sir.

Q. How long did it take to have dinner?

A. Well, the average time, sir. I couldn't swear to how long it takes to eat a meal.

Q. Hour? Two hours?

A. I don't think it would take an hour, no.

Q. All right, to the best of your recollection it would be approximately an hour?

A. I would say between thirty minutes and an hour if I had to guess.

Q. You don't remember?

A. Not the exact time. I wasn't timing it.

[fol. 4113] Q. Now, when this group of men left after having dinner, did they all walk out together?

A. I think some of them left in taxis. And several of us walked on down the street.

Q. Who walked down the street?

A. The best that I can remember, sir, it was Mr. O'Brien, Mr. Kossman, myself, Mr. Dorfman, Mr. Hoffa, and if there was any others there I don't remember. Some of them left in taxis.

Q. Well, isn't it your best memory that there were some others besides O'Brien, Kossman, Dorfman, yourself, Hoffa and others?

A. I cannot.

Q. You do swear now that there were at least five of you?

A. No, sir, I don't swear. I could miss on one or two of them. I am saying to the best of my knowledge that is who were there.

Q. Were you all walking in a group or were you walking one ahead of another or single file or side by side?

A. I believe Mr. Dorfman and I was kind of behind walking behind them.

Q. You and Dorfman were walking behind, was anybody else walking with you?

A. It wasn't too much room, no, sir, I don't think there [fol. 4114] were because you would have to more or less the whole group couldn't walk side by side.

Q. Where was Mr. Hoffa?

A. I believe he was right ahead of us walking with someone else ahead of us.

Q. Mr. Hoffa is a pretty fast walker, isn't he?

A. I would guess so, yes, sir. Looks like it.

Q. You have walked with him before?

A. Yes, sir, I have.

Q. And he really moves along like President Truman, doesn't he?

A. Well, I don't know how President Truman walks.

Q. Well, he moves along pretty fast?

A. Yes, sir, I would say he does.

Q. Now, Mr. Hoffa is out in front maybe Mr. Kossman and Mr. O'Brien and then bringing up the rear was you and Dorfman. Is that right?

A. To the best I can recall the line they was in, sir.

Q. All right. Now, how far is it from the railroad station to Mr. O'Brien's Beefery?

A. It is quite a walk for a big fellow.

Q. By the way, the O'Brien of the restaurant is not the same O'Brien who was walking with you, is it?

A. No, sir.

* * * * * * *

[fol. 4118] Q. You never heard of that. Isn't it true that Mr. Sheridan, Mr. Robert Kennedy's associate to whom you were reporting all of these things, kept urging you to get more and more evidence on more and more people?

A. He has never urged me to do anything other than what I saw.

Q. And didn't he urge you and didn't you feel obliged to justify your work to develop such evidence?

A. No.

[fol. 4119] Q. Didn't you feel that this was a good way of getting even with Mr. Dorfman because of the $50,000.00 bond?

A. I had no grudge against Mr. Dorfman as an individual.

Q. As an individual?

A. Or as a person I had no reason to have a grudge.

* * * * * * *

[fol. 4120] Q. Now, isn't it true that all these trips that you took back and forth from Baton Rouge to Nashville was at the urging of Mr. Sheridan?

A. No, Mr. Hoffa is the one told me he wanted me to stick around, not Mr. Sheridan.

Q. Didn't you tell Mr. Grimsley that Mr. Hoffa had only invited you up for a week end?

A. No, sir, I did not. I said he would be there on the week end. He would arrive on that week end, sir.

Q. Now, I'm reading to you from what the government has given me from a report prepared by Mr. Grimsley. It is just two paragraphs. That is all we have. But it says Partin said that he had contacted Hoffa on the morning

of October 18, 1962 at the Essex house, Newark, New Jersey at which time Hoffa invited him, Partin, to Nashville, Tennessee for a meeting over the week end.

Now, did that meeting extend through October, November and December?

A. Sure did. It sure did.

Mr. Reddy: May it please the Court, I believe Mr. Silets' statement indicates that we cut this part of this statement out and gave it to him. I think the Court excerpted it.

The Court: Let's proceed.

Mr. Branstetter: May it please the Court, let's instruct [fol. 4121] the jury who did cut it out then if he is going to raise the question. It was handed to us from the government. Let's don't inject these things and then drop them unfairly.

The Court: Let's proceed, gentlemen.

By Mr. Silets:

Q. Mr. Partin, isn't it true and you have testified several times that you were reporting to Mr. Sheridan daily while you were in Nashville?

A. I said I believe should have been most all the time daily. It may have been a day I missed. I doubt it.

Q. You may have missed one or two days but isn't it true that what you have testified to this jury related only to a few specific days in those three months? Now, what did you report to him as to all those other days?

A. Anything that I would have seen.

Mr. Brown: I can't hear the witness, Your Honor.

Mr. Silets: Look at me.

The Witness: Not when I want to look at these ladies and gentlemen too.

Mr. Schiffer: Let's hear his voice.

The Court: They have difficulty hearing you when you do that, so speak straightforward to Mr. Silets.

The Witness: Would you repeat the question?

By Mr. Silets:

Q. I said you have testified only to a few isolated events [fol. 4122] in a three month period and yet you had testified you reported to Mr. Sheridan, now what did you report daily besides these isolated events?

A. I don't remember the details of them. It wouldn't have been of any importance because what I reported I was asked about later at a later date so I remembered the things. I talked to him almost daily either on the phone—

Q. (Interposing) And you kept him up as to what those lawyers were doing for Mr. Hoffa and what Mr. Hoffa was doing, didn't you, while that trial was going on?

A. I wasn't interested in what the attorneys were doing.

Q. Now, Mr. Partin, you have testified to a question put to you by Mr. Hooker that your expenses were paid to you indirectly.

A. Do what now?

Q. Well, sir.

A. Who paid my expenses?

Q. Well, page 3397, question, Mr. Hooker asking you, have any of those expenses been paid you or indirectly paid to you in any way?

A. Yes, sir, they have.

Q. Your expenses of your trips that is a wrong answer?

A. That certainly is not. I corrected that later on. I said [fol. 4123] as far as the Nashville trip my expenses were not paid by the government.

[fol. 4124] Q. You say they were not paid by the government?

A. That's what I said.

Q. Who were they paid by?

A. They were paid by the people that I was up there and sent up there by and Mr. Hoffa requested staying there by the local union.

Q. The local union paid your expenses?

A. Absolutely.

Q. And they paid them to your wife?

A. No, sir, I didn't say they did on that.

Q. Well, was anything paid to your wife?

A. It certainly was.

Q. Who paid that?

A. I couldn't swear to who paid it, sir.

Q. Now, these what Mr. Hooker was talking to you about, were those trips that you made to Birmingham and Columbia, Tennessee, to see representatives of the Federal Government, and didn't he ask you, "Have those expenses been paid to you?"

And you said, "Indirectly, they were paid to my wife."?

A. No, sir, I have a lot of expenses still owed to me by the government.

Q. Mr. Partin, were some expenses paid by the Federal Government to your wife?

[fol. 4125] A. They were supposed to have been, I can't swear to it, she didn't take me into court for contempt of court, so I guess they did.

Q. So your answer is that the Federal Government did pay your wife for your expenses?

A. I didn't say for my expenses on that, sir, I said I had money still owed to me by the people.

Mr. Silets: Your Honor, this is not responsive.

By Mr. Silets:

Q. Let me put it this way, Mr. Partin: Were any of your expenses paid by the Federal Government to your wife?

A. I couldn't swear to it.

Q. Well, you swore to it when Mr. Hooker asked you the question.

A. I was told that they were.

Q. Sir?

A. I was told that they were.

Q. Who told you?

A. I believe it was asked me here on the question—on the witness stand.

Q. That's right. And that's the question and answer I just asked you and you said, "Yes, sir, they had."

A. I didn't see it change hands, sir.

Q. Who told you to use your wife's name in presenting your expenses?

[fol. 4126] A. No one told me to use her name.

Q. Well, how did it happen that the expenses were paid to your wife instead of to you?

A. Because I wanted my children taken care of, that's why.

Q. Well, how did that arrangement come about? Did you ask the government to do that?

A. I think they asked me did I have any outstanding things that had to be taken care of and during the course of conversation I told them I was interested in that.

Q. So the government took care of some of your outstanding debts?

A. That would be the only outstanding debt that I would consider of any importance.

Q. And they were paid by the government to your wife?

A. That is what I understand, sir, I didn't see it change hands.

Q. Did your wife make any of these disbursements, did she pay these payouts for your expenses? It was you who made the expense payments, wasn't it?

A. What expense payments?

Q. Well, expenses for which you were being reimbursed by the Federal Government.

A. Well, sure, it would have been me.

Q. And it wasn't your wife who spent the money, it was [fol. 4127] you?

A. That is correct.

Q. And the government was not paying you back but paying your wife?

A. Well, that would have been my debt, certainly they was paying me indirectly, they was paying me, I would have had to pay.

Q. Mr. Partin, just answer my question.

Mr. Neal: Your Honor—

Q. (Interposing) Wasn't the money being paid your wife?

Mr. Neal: I submit the witness is answering the questions. They are certainly plain, it seems to me to be plain answers.

The Court: Overrule the objection.

[fol. 4128] By Mr. Silets:

Q. The money was being paid by the federal government to your wife, right?

A. I don't think she knew where it came from.

Q. Mr. Partin, I am asking you again, wasn't the federal government paying the money to your wife, yes or no?

A. I cannot answer you yes or no, because I did not see it change hands.

Q. You made that arrangement with the federal government, didn't you?

A. I had that understanding.

Q. Yes, you had the understanding. Now, was the payment to be by cash or by check?

A. I don't know, sir.

Q. Did you know that it's a felony to make a false statement to the government and obtain from the government any money by way of a false statement?

A. I would imagine it would be, sir.

Q. Now, do you know that when you submitted your expense vouchers to the government and they paid that money to your wife, that may be a felony?

A. It was not.

Q. It was not. Did the government explain to you that you wouldn't be charged with a felony by your having them pay the money to somebody else instead of to you?

[fol. 4129] A. I got sense enough to know whether I have expenses incurred and relating there to business and when I haven't.

Q. I didn't hear that and will the reporter read it?

A. I said I've sense enough to know when I am incurring expenses in a meeting involving these people and when I am not.

Mr. Silets: Your Honor, this is again, he is not being responsive, I ask it be stricken.

The Court: Overruled. Proceed.

By Mr. Silets:

Q. Now, did you sign anything in order for these payments to be made?

A. No, sir, I did not.

Q. You never signed anything?

A. No, sir, I did not.

Q. No expense vouchers? You never submitted anything to the government?

A. Not that I can recall, sir.

Q. They relied upon you for the amount of money they were going to pay your wife?

A. I think they took the standard allowance on mileage and so forth that is allowed all people involving something that way.

Q. How much was paid to your wife?

A. I don't have an idea unless I would ask her, I just [fol. 4130] don't know offhand, it was around a thousand dollars or maybe more or less, I don't know.

Q. A little more or less than a thousand?

A. I would have to figure it up, sir.

Q. Now, you have testified that all along here you couldn't relate any specific dates because you would have to have everything spread out in front of you?

A. I would have to have it where I could look at to come close to it.

Q. Now, you testified that when Mr. Hooker gave you these documents that you were able to go along and say on or about a certain date, didn't you?

A. I haven't said I've said on or about and I could do the same thing with you if I could go on the same conditions.

Q. You haven't once told me on or about a certain date.

Mr. Neal: Oh, yes, he has, your Honor. I object to that.
The Court: Sustained.
Mr. Neal: He said he couldn't get the precise dates.
The Court: Sustain the objection.

By Mr. Silets:

Q. Mr. Partin, do you now feel that you have gotten [fol. 4131] even with Mr. Dorfman?
A. I have never—

Mr. Neal: (Interposing) Object to that, your Honor. He has been asked and answered that question.
The Court: He answered it.

By Mr. Silets:

Q. Do you feel that you have gotten even with Mr. Dorfman for selling you out?
A. I didn't know he sold me out, I am glad to find it out.
Q. That's what you said once to Mr. Hooker.
A. I said I wanted to find out if he did.
Q. Would you like to see these men convicted?
A. It's not up to me, it's up to this jury here, it's not up to me.
Q. You are doing your best, aren't you?
A. I am doing as—exactly what I was supposed to do.
Q. Exactly what you were told to do. No further question.
A. In violation of law report it.

The Court: All right.
Mr. Silets: One more question.

By Mr. Silets:

Q. Mr. Partin, while all this was going on you were [fol. 4132] getting a salary and expenses from your union, weren't you?
A. Not expenses in regard to this matter, no, sir.

Q. Weren't you paid for your trips to Nashville by the union?

A. Yes, sir, the membership.

Q. Wasn't that the matter that you are testifying about now?

A. No, sir.

Q. You mean you went to Nashville on something else than to talk to Mr. Hoffa and give information to Mr. Sheridan?

A. I would imagine that is the way you are putting it.

Q. That is the truth, isn't it?

A. I didn't say that, you said it.

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[fol. 4144]

COLLOQUY BETWEEN COURT AND COUNSEL

The Court: All right. Likewise the expense vouchers will be made available to Mr. Silets in regard to their—, there are four checks or four sets of checks. One payable to Mrs. F. G. Partin $300.00. One payable to Mrs. E. G. Partin, rather, $300.00. One payable to Mrs. E. G. Partin, $150.00. One payable to Mrs. E. G. Partin, $150.00, those may be made available. File them for identification purposes first.

Mr. Neal: With respect to this witness, Your Honor, we will, well, they can check on it, but I don't think he would have any more knowledge than what he has indicated.

Mr. Silets: But Your Honor may I point this out to the record, in my limited—

The Court: Mr. Silets, let me get this straight for the record. First, this will be Exhibit No. 121. It will be a collective exhibit for identification purposes. Yes, Mr. Silets.

(The four expenses checks referred to above were marked Collective Exhibit No. 121 for identification only.)

[fol. 4145] Mr. Silets: Your Honor, might I suggest that in my limited experience with government employment and term of service in the armed services I have never seen an instance where the government issued any sort of disbursement where there wasn't a voucher form signed for it backing up the disbursement.

Now, the government apparently is now turning over checks, is that it, your Honor?

The Court: Yes, those were checks that were delivered to the Court.

Mr. Silets: Now, what I am asking for is the voucher form upon which the checks were predicated and upon which authority they were issued because I think that will disclose signatures by this man or somebody, in other words, the government never issues a check out of the blue, there must be some paper work, some authorization or some voucher or expense request for those checks and I think the government has those and I think they are extremely vital and pertinent to the issue at hand.

The Court: All right. What does the government say in that regard?

Mr. Neal: Your Honor, I don't see the relevance of that. In the first place, they asked this man if he signed anything. I think they have asked him that. He has testified that his expenses were partly paid. The wife turned pay-[fol. 4146] ments over by which he was paid. It seems to me like the government has gone far beyond what they were required to do here. I don't think the internal system of the government of vouchering or who signs the voucher, if this man didn't sign for it, I don't think that he has any more knowledge whatever about this matter than he has testified to and if he didn't sign anything then what relevance is it to the defendants what internal bookkeeping—

The Court: (Interposing) If you have any such records, turn them over to the Court for the Court's inspection.

Mr. Silets: I would like to point out to the Court why this is in fact extremely relevant. According to Public Law

87-849 enacted by the Eighty-Seventh Congress and published, promulgated on October 23rd, 1962, there was enacted an act entitled "Bribery, Graft, and Conflict of Interest." Under Section 201 of that act it was declared a crime for the following to occur, Subsection H. "Whoever directly or indirectly gives, offers, or promises anything of value to any person for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial, hearing, or other proceeding before any court, any committee of either house or both houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take [fol. 4147] testimony or for or because of the absence therefrom shall have committed a crime."

Now, if it is in fact the truth and these documents will establish that this man has been paid for his testimony—

Mr. Neal: (Interposing) That's an unmitigated lie, your Honor, and this witness so testified. This is—

Mr. Silets: (Interposing) Mr. Neal—

Mr. Neal: (Interposing) Just a moment.

Mr. Silets: If Mr. Neal will permit me to finish my argument.

Mr. Neal: I am not going to permit you to be scandalous in regard to everyone here in the court.

The Court: Just a moment, Mr. Neal. Let Mr. Silets finish his statement.

Mr. Silets: Now, your Honor hasn't enacted this, not Mr. Silets or not Mr. Neal. If, in fact, it is a crime to be paid for your testimony and if, in fact, we have established it or attempted to establish it, then not only has this man committed a crime but somebody in the government has committed a crime and his testimony itself is void ab initio, it is void because it is illegal, then we would be entitled to not only have his testimony stricken but even to have the indictment dismissed if the indictment is predicated upon his testimony.

The Court: All right. Mr. Neal, do you wish to re- [fol. 4148] spond?

Mr. Neal: Now, may it please the Court, the defendants have subpoenaed several witnesses here, one William Sheets, one Carl Shops (phonetics), and we have checks in their possession paid by the defendants. Now, is that being paid for their testimony, your Honor?

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[fol. 4149] Mr. Silets: Your Honor, may I be heard? I am flabbergasted by these documents. Apparently the check was issued to Mr. Grimsley, then Grimsley used the check to go to the First National Bank of Atlanta, and with this check having been endorsed by him he has a [fol. 4150] cashier's check issued by the First National Bank of Atlanta payable to Mrs. Partin.

Now, if this is not an attempt to circumvent the meaning of this act of Congress, what is. Is the government seeking to hide by this if this was a legal payment, why wasn't it made directly either to Mrs. Partin or to Mr. Partin instead it's made payable to an agent of the federal government, an attorney, who then takes it to the First National Bank of Atlanta, endorsed it, and purchases a check on the Chase Manhattan Bank, a cashier's check.

Now, your Honor, if this were done by any of the defendants it would clearly be an attempt or at least an alleged attempt to obstruct the due administration of justice.

If this government can come and bring Mr. Dorfman into court on the basis of testimony and evidence that has been established so far where there is no testimony that he has done anything wrong and he is charged with the obstruction of due administration of justice, what can be expected of that same government when we have this kind of an instance? This is the most flagrant circumstance I have ever seen in my life. I am flabbergasted and I call upon the government to explain it.

I am curious of Mr. Grimsley even if he reported this on his income tax return. What is the basis for issuing this kind of a check to Grimsley? Grimsley endorsing and issuing a cashier's check?

[fol. 4151] There is only one reason and that is to subvert justice, to hide these things here.

Mr. Neal: Your Honor, if it's to hide things, why did the government bring out on direct exactly how much has been paid this man or the fact that his wife had been paid, directly to his wife for his expenses? In this case now if we are going to hide something why would we bring it out?

Mr. Silets: Why didn't you bring the checks out, Mr. Neal?

Mr. Neal: May I finish, your Honor? Why didn't we bring the checks out and have them here available with copies, your Honor? Now, the Assistant Attorney General of the United States can come down here and explain why the payment of expenses have been made in this manner. The government is not going to pay a check directly to Mrs. E. G. Partin or directly to this man, it's too easily traced, then you will have acts of terrorism as are going on in Baton Rouge, Louisiana.

Mr. Silets: Oh.

Mr. Neal: May I finish?

Mr. Silets: No. I won't let you finish when you make accusations like that.

[fol. 4152] The Court: Gentlemen, gentlemen, gentlemen. Just a moment, I heard the defense upon this and let's hear the government.

Mr. Neal: I will be happy to bring the Assistant Attorney General of the United States.

Mr. Silets: Bring the Attorney General.

The Court: Just a moment, Mr. Silets. I heard you just a moment ago and now I'm trying to hear Mr. Neal.

Mr. Neal: I will be happy to bring the Assistant Attorney General of the United States down here to explain why this is done in numerous instances, not just this instance but numerous instances, we do not want the terrorism as I said going on before this trial that is going on in Baton Rouge right now as I'm informed by the FBI. Mr. Jay Hawkins of the FBI can explain to the Court what has gone on over the week end in Baton Rouge.

Mr. Schiffer: Of course, it is all relative, Your Honor, now what we are discussing, but all I'm saying to Your Honor is simply this, that the government with all the protestations of Mr. Neal, let's get the vouchers in here, let's see the real purpose now the reason it was brought up, for what purpose were they drawn, don't tell us that you are violating the law in other cases, too. We want to find out. We are interested in this case here. We want to find out how much was paid this fellow to get him to perjure [fol. 4153] himself. Let's get all the vouchers in the record. We are entitled to them.

Mr. Haggerty: May it please the Court, irresponsible statements are made quite often.

Mr. Neal: May it please the Court, may I finish my statement?

Mr. Haggerty: Did I have the floor?

Mr. Neal: (Interposing) Without being interrupted by defense counsel?

The Court: Let's have Mr. Neal finish his statement.

Mr. Neal: Now, I'm not attributing any act of vice in any manner toward any person in this courtroom. I'm telling the Court what has been happening. Shots through doors and that sort of thing in Baton Rouge over the week end. These are the very sort of things we didn't want to have happen over six months ago by having checks going from the Federal Government to either this witness for expenses or to his wife for expenses.

Mr. Haggerty: I say to Your Honor if Mr. Neal has made a statement that there is terror in Baton Rouge and this man Hawkins knows something about it then I respectfully request that you order Mr. Neal to present this man Hawkins. The inference is it is blamed on the defendants or some of them in this case. I say it is all stuffy nonsense. [fol. 4154] The Court: All right. Well, if there are further documents in connection with these disbursements they should be submitted to the Court for the Court's inspection and the Court's decision on it. Now, then—

Mr. Neal: (Interposing) I don't think we have any, Your Honor, but I will check. I will make further check.

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[fol. 4166] Further cross examination.

By Mr. Brown:

Q. Mr. Partin, to clear up one matter that I haven't been able to get all the way through. When did you first contact either Mr. Daniels, Mr. Pitcher, Mr. Thompson, or someone there in the District Attorney's office for the State of Louisiana regarding to work or doing this work for the government?

A. Well, that wasn't decided at the meeting at Baton Rouge, that was after I knew I was coming to Nashville.

Q. You mean that you were not contacted by the government, you did not contact anyone to let them know that you were told—you let them know you were going to Nashville and that you were willing to do this work for the government?

A. Oh, yes, but that wasn't at the meeting at Baton [fol. 4167] Rouge.

Q. I didn't ask you about what meeting. I asked you when it took place.

A. Oh, several days, a week before I came up, a few days prior, I don't remember the exact date.

Q. Before you came up where?

A. To Nashville.

Q. All right. Did you contact Mr. Thompson, Mr. Pitcher or Mr. Daniels or who did you contact so they would get in touch with some—with the government and they would know you wanted to work for the government?

A. I think I got—I didn't say I wanted to work for the government, sir.

Q. Well, inform for the government?

A. I didn't say I would inform for the government.

Q. Well, you call it what you want, but whenever you were going to Nashville to do this undercover work?

A. It was a government official I contacted, sir.

Q. Beg your pardon?

A. It was a government official that I contacted evidently.

Q. You went directly to Mr. Grimsley?

A. I either called Mr. Grimsley or talked to him personally.

Q. You talked to him personally?

[fol. 4168] A. I said I either called him, I am not sure.

Q. Who gave you his number or who made the preliminary arrangement for you to talk to him or did you know Mr. Grimsley prior to this time?

A. No, I did not.

Q. Well, then who made the arrangement for you to call him so that you would know he was a government attorney?

A. Well, we was talking to him in regard to other matters, sir, that didn't involve Nashville whatever when I was—when I got to know Mr. Grimsley.

Q. The matters that you were involved in when you decided to go to work for the government in some capacity? As a matter of fact, Mr. Partin, were the indictments that had been returned against you in September of 1962, wasn't it—

A. (Interposing) No, sir, it was not.

Q. Are you telling this Court and jury that that had nothing to do with it?

[fol. 4169] A. Indirectly it may have but as far as asking or being told they were doing anything like this there was nothing said or done in regard to that.

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[fol. 4176] By Mr. Brown:

Q. Now, after you got to Nashville, and were able to ingratiate yourself in with the other people, when was this statement made to you by Mr. King as to some patrolman and his wife?

A. Sir, you didn't phrase the question where I could answer it without—

Q. (Interposing) Well, you just answer it the way I phrased it.

A. I agree with you.

Q. You agree with me what?

A. You are trying to say I infiltrated, is that what you said?

The Court: Just tell when Mr. King talked to you.

The Witness: That was a very short time after I was there, sir.

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[fol. 4177] By Mr. Brown:

Q. Did Mr. Grimsley there, I'm not speaking of Mr. Smith or whoever you talked about this morning, I'm speaking of government attorneys when you discussed this case with them, the preparation of this case.

A. I didn't discuss the preparation of it, sir.

Q. Is it your testimony you never discussed the prepara-

[fol. 4178] tion of this case with the government attorneys?

A. I did not say that, sir.

Q. What did you say, Mr. Partin?

A. I said that I had been asked questions in regard to some of the things. I answered the question.

Q. And you didn't consider that preparing this case?

A. I'm not capable of preparing a case for an attorney.

Q. If you know, Mr. Partin, where did you meet Mr. Hooker and Mr. Neal to discuss the questions?

A. Oh, I have seen Mr. Hooker here. I have saw Mr. Neal in Columbia.

Q. Did you see Mr. Hooker in Columbia, too?

A. Yes, I did.

Q. How many times?

A. Two. I think it was two. May have been another one but I don't recall.

Q. Where else did you see Mr. Hooker in regard to preparing questions about this case after the indictment was returned?

A. I believe those are the only times, sir.

Q. Do you remember meeting him in Atlanta?

A. That wasn't in regard to the case, sir.

Q. If Mr. Hooker testified he met you in Atlanta and discussed this case with you would that refresh your [fol. 4179] memory?

A. As far as discussing the case, preparation as you call it, I call it asking questions, it was nothing in detail as I told you before went into as far as details. I was asked some questions briefly but as far as details there was no details gone into there.

Q. Mr. Partin, I didn't ask you for details. I asked you when you discussed this case with Mr. Hooker.

A. Well, as far as—

Q. (Interposing) Did you discuss this case in Atlanta with Mr. Hooker?

A. I said, sir, to the best of my ability then I cannot answer you as far as Atlanta.

Q. You cannot, you do not know about that?

A. Oh, yes, sir, I know, but I can't tell you.

Q. (Interposing) With Mr. Hooker in regard to this case after the indictment?

A. Mr. Hooker was present, sir.

Q. Did you discuss this case with Mr. Hooker in Atlanta after the indictment, you can answer it yes or no, and then—

A. (Interposing) I cannot answer yes or no and I will not answer yes or no.

Q. All right, you refuse to answer?

A. Not without qualifying it.

[fol. 4180] Q. Now, why do you have to qualify every answer you give a defense lawyer?

A. Because you give me loaded questions, sir.

Q. When you recited without qualification to Mr. Hooker, didn't you—

A. (Interposing) No, sir, I did not.

Q. His questions weren't loaded?

A. They was the truth. Didn't have to be loaded.

Q. They were the truth, in other words, you think what we are asking you is not the truth, that is the reason you are trying to evade them?

A. You are trying to twist the truth.

Q. All right, if you don't remember meeting Mr. Hooker in Atlanta—

Mr. Neal: (Interposing) Now, Your Honor, that statement wasn't made. He said Mr. Hooker was in Atlanta. Why does counsel phrase his questions in that manner?

Mr. Brown: I apologize to the Court if I have misquoted it. I will try to get an answer out of this witness.

The Court: State your question.

By Mr. Brown:

Q. Did you meet Mr. Hooker regarding this case after the indictment?

A. In regards to the case, yes, sir.

[fol. 4181] Q. You hear good, don't you, Mr. Partin?

A. Not the way you phrase it, sir.

The Court: He answered yes.

By Mr. Brown:

Q. Then did you discuss this case or the trial of this case at that time?

A. As far as the trial, I don't think so.

Q. Did you discuss this case?

A. Would you let me answer you? Or do you don't want to go ahead and ask me two or three more questions?

Mr. Schiffer: I object to these asides, Your Honor, now we are going back to the old business.

The Court: Gentlemen—

The Witness: (Interposing) Sir, I can't answer him like he is asking. I cannot answer you, sir.

By Mr. Brown:

Q. Did you discuss this case?

A. I said I cannot answer you.

Q. You don't even know what I'm going to ask you.

The Court: Just a moment, let him answer the question. If you can answer it, say so. If you can't answer it, say so.

By Mr. Brown:

Q. Mr. Partin, had you discussed this case in any respect with Mr. Hooker in Atlanta?

[fol. 4182] A. Yes, sir.

Q. Now, that was after the indictment and that was prior to going to Columbia on two different occasions seeing Mr. Hooker, wasn't it?

A. Yes, sir.

Q. And how long did you discuss the case with Mr. Hooker in Columbia?

A. It would be an hour or more.

Q. The first trip?

A. I said it would be an hour or more.

Q. The second trip?

A. An hour or more.

Q. Same day?

A. Not the same day.

Q. How much time between?

A. You asked about two different trips, sir.

Q. How much time between the first trip and the second trip?

A. Several weeks I would imagine.

Q. If Mr. Hooker testified that he talked to you the first trip three or four hours, would that refresh your memory?

A. He may have.

Q. May have?

A. I couldn't tell you how long I've been up here either.

[fol. 4183] Q. Then, Mr. Partin, when you were discussing this case I believe at Columbia Mr. Neal was there, too, wasn't he?

A. I think he was, yes, sir.

Q. And who else was there?

A. I believe Mr. Sheridan came by.

Q. Mr. Sheridan came by?

A. Well, I believe he was there as far as questioning me, he wasn't questioning me.

Q. Who else?

A. That is all that I can think of, sir.

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[fol. 4213] By Mr. Brown:

Q. Well, let me ask you, Mr. Partin, if it isn't true that since you went to Nashville as an undercover agent of the government that that was after that that your bond was cancelled. Were you put under another bond?

A. Yes, sir.

Q. And how much?

A. $50,000 or 60-something thousand dollars worth.

Q. Wasn't that hearing continued after you started working on this case in Nashville for the government, wasn't it continued without a date on a motion of the United States Attorney?

A. You will have to ask my attorney that, sir.

Q. Ask your attorney. Were you in court?

A. I was in there two or three times, I think, but the attorney was the only one that told me when not to appear.

Q. And they have been continuing it and, as far as you [fol. 4214] know, there is no date set for it to be tried, is there?

A. You would have to ask him, sir, he is the one that was handling that.

Q. Who made this $50,000 bond that you are now under?

A. Oh, an ironworker business agent, I think, a justice of the peace, just several friends went together and made the bond, all—ironworker business agent, justice of the peace, I believe a clerk of the court, individual members.

Q. It's your testimony it was made by individuals?

A. It surely was, sir.

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[fol. 4220] Cross examination.

By Mr. Grady:

Q. Mr. Partin, because of my position in the courtroom there are certain parts of your testimony I could not hear. I will try to make this as quick as possible. How many times have you ever seen Nicholas Tweel?

A. Sir, I would guess it would have been several times that day and I'm not positive of any other times of seeing him the first day I was with him.

[fol. 4221] Q. There were several times that day, are you referring to the day of October 22nd?

A. Yes, sir, approximate date, that is an approximate date.

Q. The day you arrived in Nashville and I believe you stated that the first time you saw him at that time was in the afternoon at some period?

A. Yes, sir, around lunch, I believe I said.

Q. Around lunch, and your occasion for seeing him as I understood it was you went into a coffee shop or some sort of establishment there in the hotel that served food?

A. Yes, sir.

Q. And you sat down at a table with Mr. Tweel?

A. No, sir, either sat down at a table with he and Mr. Dorfman or they sat down with me. I am not positive which sat down first.

Q. You don't know whether you were in there alone or whether you joined him, is that what you are saying?

A. That is correct as far as—

Q. (Interposing) How long at that time had you, or had you ever seen Mr. Tweel before that time?

A. No, sir, I had not.

Q. And how long had you known Mr. Dorfman in order for him to sit with you or you to sit with him at that time?

A. I had known him on and off quite a while at conven-
[fol. 4222] tions and things of that sort.

Q. You had known Mr. Dorfman previously?

A. Yes, sir.

Q. Now at that time did not Mr. Dorfman introduce you to Mr. Tweel?

A. I think he started to and Mr. Tweel introduced himself. I think when Mr. Dorfman started to Mr. Tweel spoke up and told me who he was.

[fol. 4223] Q. And did Mr. Dorfman introduce him to you as Mr. Tweel?

A. I don't think he ever got his name out, I think that Mr. Tweel injected hisself and gave me the other name.

Q. You say Mr. Tweel gave you some name. What was that name you said he gave you?

A. Anthony Quinn, I believe was the name I said he gave me.

Q. Was he joking with you?

A. It seemed like he was joking, later when he told me what his name, real name was, I don't know, I thought it had to be a joke or something.

Q. I will ask you if Mr. Tweel, Mr. Tweel's parents aren't Lebanese extraction, very distinctive in appearance, is that not true?

A. Well, I would think so.

Q. Yes, sir. He stands out in a crowd. There were a great many people there in the Andrew Jackson at that time, weren't there, in the lobby, coffee shop, and other places?

A. Not at that table, sir.

Q. Not at that time. But all around where you circulated?

A. Well, it usually was, yes, sir.

Q. Certainly anyone could have told you it was Nicholas Tweel if you had asked?

[fol. 4224] A. Well, I don't think anyone knew him.

Q. What was this proposition about this special assistant to Bobby Kennedy, what is his name?

A. I don't know what you are talking about when you say "special assistant."

Q. The man you were talking about that you conferred with so many times, what is his name, Mister?

A. I don't know what title he—he has got.

Q. Mr. who?

A. I didn't say.

Q. The man that has been with you all along that you consulted with and took you to see these attorneys, that has been with you constantly according to your testimony, what is his name?

A. Sir, I never said he had been with me constant. I said I called him. If you are speaking of Mr. Sheridan—

Q. (Interposing) Just tell me his name, sir.

A. I said if you are speaking of Mr. Sheridan.

Q. Mr. Sheridan?

A. Right.

Q. Now, what was this about you saying that Mr. Sheridan came to the lobby for you to point out to him Mr. Tweel?

A. He was going to identify the gentleman that was there that gave me his name as Anthony Quinn, he had wanted to [fol. 4225] see if that is who it was, I guess, because it was something I imagine they wanted to check on.

Q. Did you or this special investigator ask the desk clerk who he was?

A. Sir, I don't know what they did, I don't know what special investigator you are speaking of.

Q. Mr. Sheridan, the one you are speaking about.

A. I don't know what his title is, sir.

Q. You know Mr. Tweel was registered under his own name properly in the hotel, do you not, sir?

A. I don't know, sir, I don't know how he was registered.

Q. You never made any effort to find that out?

A. No, sir, I did not.

Q. Now, you say that this man introduced himself to you an hour or so later or sometime later in the day and told you his name was Tweel?

A. Later on in the lobby, yes, sir.

Q. Later on in the lobby?

A. Uh-hmm.

Q. And that's the same place and area that he was circulating around?

A. Yes, sir, the difference he was sitting on a coach with me there.

Q. He was sitting on a coach?

[fol. 4226] A. Yes, sir.

Q. And then what was your next contact with Mr. Tweel?

A. In his room.

Q. He invited you to his room?

A. Yes, he did.

Q. You had seen him that one time before and once in the lobby and he invited you to his room then?

A. Well, from the conversation I gathered from him he thought I was a very close friend of Mr. Hoffa's and he evidently thought I was there for the same purpose he was.

Q. Uh-huh. And so then he came up and told you in his room, called you up to his room, a total stranger, and told you, "Here I am here to commit some crime." That's your testimony?

A. No. I think he said he knew some people down in Louisiana that may be of some help down there if we ever needed it, is the way he started off down in the lobby to get me to come up there, then he went into it in detail.

Q. Is Mr. Tweel a close friend of Mr. Hoffa's?

A. I don't know, sir.

Q. You said he was like you. I thought you said—

A. (Interposing) I didn't say that. I said evidently he had the impression I was there to help in the same way he was.

[fol. 4227] Q. Was he there to help Mr. Hoffa?

A. He said he was.

Q. He said he was there. Do you know whether he ever saw Mr. Hoffa before in his life or not, sir?

A. No, sir, I couldn't swear to that, I could not.

Q. Did he tell you that he did not know Mr. Hoffa?

A. I don't remember him saying he didn't know him, no, sir.

Q. You don't remember that?

A. I remember what he said he was there for, he didn't say Mr. Hoffa called him there.

Q. What was his room number?

A. It was up above mine, it was—I remember I had to go up the elevator to go to it, I don't remember the exact room number. I can tell you how I had to walk to go down to it.

Q. Then later on I believe you say that you had occasion to call Mr. Tweel?

A. Yes, sir.

Q. Now, if you were there, as you have stated, to observe illegal activities, what were you doing calling anybody?

A. I was asked to call Mr. Tweel.

Q. Who asked you to call him?

A. Mr. Hoffa asked me to call him once, Mr. Dorfman [fol. 4228] asked me to call him one time.

Q. Now, wait just a minute. The first time I have heard of you—you ever said Mr. Hoffa asked you to call Mr. Tweel?

A. He asked me had I heard from him, I believe, sir, is what it was.

Q. You believe you have?

A. I said to the best of my recollection he said, "Have you heard from him?"

Q. Now, that is just something you added to your testimony here in the last few minutes?

A. You are trying to add it, sir.

Q. You are stating under your oath that you said Mr. Hoffa asked you to call Mr. Tweel?

A. I said to the best of my recollection.

Q. And you stated that before when you were narrating your reasons for calling Mr. Tweel—

A. (Interposing) Come back again with that, sir.

Q. You have stated that before to this jury in this case when you were narrating your testimony about Mr. Tweel that Mr. Hoffa asked you to call him?

A. I don't recall the exact words.

Q. Will you swear that?

A. You didn't let me answer you, sir.

Q. Did you or didn't you, sir? Very simple.

[fol. 4229] A. You going to give me an opportunity to answer?

Q. Yes, sir.

A. I said I don't remember distinct every word regarding the conversation.

Q. You are using particular words to try to incriminate Mr. Tweel. Now, can't you remember if you can remember those particular words, what particular words Mr. Hoffa said?

A. If you will run it back by me, sir, as it has been preached, kicked around and what happened a day by day—

Mr. Schiffer: (Interposing) Objected to, your Honor, it's not responsive.

The Court: Just answer.

By Mr. Grady:

Q. All right, sir. Here's all I'm asking you. If you will state under your oath right now that previous to this question today that—talking about my client, Mr. Tweel, if you have ever said Mr. Hoffa told him to call you?

A. No, sir, I can't say under oath because I don't—

Q. (Interposing) Now, the truth is not forgotten, is it, sir?

A. No, not if it's an occasion to remember it, it certainly isn't.

Q. Now, actually Mr. Tweel did tell you that he was not acquainted with Mr. Hoffa, didn't he?

[fol. 4230] A. I don't think he has ever said that he was real acquainted with him, I don't even remember the conversation in his regard. He was told to come down and see if he could help. I have never—I couldn't swear to what he said because it would be minor ever what he said about Mr. Hoffa.

Q. Now, to refresh your memory, I will ask you if this conversation didn't take place when you were introduced to Mr. Tweel, that you told him about your numerous difficulties with the law?

A. I think—

Q. (Interposing) Did you not?

A. I think that was discussed because that's one of the reasons that he mentioned to me to come up to his room, he wanted to talk to me about someone he knew.

Q. That's right. Sir, then later on he said, "Well, I know some lawyers in Louisiana and I will recommend one to you"?

A. I wasn't—I had an attorney, sir, I wasn't getting an attorney.

Q. Did he recommend a Mr. Boyle to you?

A. He told me that was the one that paid $5,000 to a judge to get an indictment dropped against him.

Mr. Brown: Your Honor, that wasn't responsive to the question.

The Court: Sustained on—

[fol. 4231] Mr. Grady: (Interposing) Your Honor has given previous instructions. I ask for a mistrial for Mr. Tweel.

The Witness: That was the conversation.

The Court: Sustain the objection. Just a moment. Disregard that statement of the witness, ladies and gentlemen.

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[fol. 4233] By Mr. Grady:

Q. Now, let's get back to this visit in Tweel's room that you said occurred—, you don't remember the room number, even though you remember other details?

A. I know it was above me, sir, and I said I could tell you exactly how I walked down to it and I remember that there was—, it wasn't up to me to check back.

Q. Can you tell how you got there without knowing the [fol. 4234] number?

A. Yes, because I remember the number at the time because it wasn't too far before that that he told me to come up there.

Q. You don't remember the number now but you remember how you got there?

A. Yes, sir.

Q. Now, how many other times did you see Mr. Tweel in and about and associating with Mr. Hoffa besides, or did you ever seen him?

A. Sir, I don't think I have ever seen him in his room.

Q. Well, have you ever seen him in the courtroom?

A. I don't believe I did, sir.

Q. Have you ever seen him anywhere around Mr. Hoffa?

A. If I am not mistaken he was discussing briefly with a crowd that he may have been in going into the place to eat, the restaurant, but I couldn't swear that he was talking to Mr. Hoffa.

Q. When was that?

A. Later on during the day.

Q. Later on during—, now, let's get away from this day—, you said you saw him that day and you named when you saw him and where you saw him. Now I am asking you if you ever saw him associate in any way with Mr. [fol. 4235] Hoffa or anybody connected with Mr. Hoffa in Nashville at any time?

[fol. 4236] A. Mr. Dorfman. But as far as Mr. Hoffa, sir, I can't swear to anything that I would pin it down as being closely associated with him.

Q. Mr. Dorfman, you are talking about that same day, aren't you?

A. Yes, sir.

Mr. Neal: Your Honor, I believe the witness testified he didn't think he saw him any other day. And counsel—

Mr. Grady: (Interposing) Getting this specific. He is trying to give the impression of member of the camp.

The Court: Well, your question wasn't entirely clear, Mr. Grady, let's proceed.

By Mr. Grady:

Q. Did you ever talk to Mr. Tweel and Mr. Tweel recommend to you a Mr. Boyle, an attorney in New Orleans?

A. Sir, I would have to request the statement and I have been told not to on that in regards to why I knew Mr. Boyle.

Q. You don't want me to ask you about that; I asked you if Mr. Tweel ever recommended that attorney to you?

A. If I could qualify it, Your Honor.

The Court: Well, did he or not?

By Mr. Grady:

Q. Yes or no, nothing to qualify.

[fol. 4237] A. He didn't recommend one for me, sir. He said he knew one that was a good attorney to—

The Court: (Interposing) Well, all right.

By Mr. Grady:

Q. Did he ever recommend a lawyer for you?

Mr. Neal: Your Honor, see, Mr. Grady gets back in the thing and then he gets the answer and then he—

Mr. Schiffer: (Interposing) Objected to this, Your Honor, this is not proper remarks to make before the jury and Mr. Neal knows it. I move for a mistrial on the remarks made by Mr. Neal.

The Court: Overrule the motion for mistrial. Sustain the objection.

Mr. Grady: Your Honor, I might say this, I've never been faced with this situation; my question is, did he recommend an attorney for you and I've been trying five minutes to get an answer to it.

By Mr. Grady:

Q. Would you answer it, sir?

A. Not to me, no, sir.

Q. All right. I believe you said that you were supposed to listen and see if you heard or found out any evidence of any illegal activity; that was your idea, wasn't it?

A. No, sir, if I observed.

[fol. 4238] Q. Observed, all right, but in addition to observing you made certain phone calls; now, why did you call Mr. Tweel?

A. Well, I would be asked to call once by Mr. Dorfman. Specifically by him. Asked would I call him.

Q. Who gave you Mr. Tweel's number?

A. Mr. Tweel gave me the numbers he could be reached at at any time in case we needed any help in his area down there on any matters.

Q. You say Mr. Tweel gave you his numbers?

A. He certainly did.

Q. Now, without going back over it again, I believe you've been asked and you have testified about your federal indictment, haven't you?

A. Yes, sir.

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[fol. 4239] By Mr. Grady:

Q. Did you ever testify about your non-support charge brought by your wife? Have you been asked about that?

A. Sir, my wife has never brought a non-support charge against me.

Q. Have you ever been cited into court for failure to pay alimony for the support of your minor children?

A. I have never been into court over that. I don't know if anything came up on it out of court. I have never been [fol. 4240] in court for non-support.

Q. How much are you paying your wife?

A. $300.00 a month and buying clothes and anything else they need, sir, that I can afford to pay.

Q. Is that $300.00 a month what the government has been paying to your wife? Is that the alimony for support of your minor children?

A. Sir, they are not paying.

Q. Are they paying her?

A. No.

Q. Is it just a coincidence that these checks from the government are $300.00 and one for $150.00 to your wife?

A. Sir, I have answered that already. I will answer it again if Your Honor wants me to.

Q. Yes, I would like for you to answer it again, is the government paying your wife?

A. No.

Q. The amount of your alimony for the support of your minor children?

A. No.

Q. What, how was that figure reached that they are paying her?

A. They are not paying her, sir.

Q. That they have paid her then.

A. Only amount that I was supposed to pay her a month, [fol. 4241] sir.

Q. The amount you were supposed to pay her a month, in other words, in addition to these other things that these other lawyers have asked you about, the government is paying your alimony for the support of your minor children for you?

A. I said they are not, sir.

Q. They were then?

A. They did for a period of time.
Q. They did for a period of time?
A. I understand. I can't swear to it.

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[fol. 4276] By Mr. Schiffer:

Q. Now, you made a response the other day to Mr. Silets, as I remember, that you never jotted anything down about this case about anything you were going to tell Mr. Sheridan but you never wrote these things down, did you? Do you remember answering him that way?

A. Yes, sir, I think I do.

Q. And then one other point you said, "Well, I did write it down." Then Mr. Silets said, "Well, where?"

You said, "I write it down in my mind."

A. I said I made notes of—

[fol. 4277] Q. (Interposing) You made notes in your mind, you remember that?

A. That's because what I was supposed to do.

Q. You do remember that answer, do you not?

A. Oh, yes, definitely.

Q. Would you take out a piece of parchment from your mind and tell me where you wrote down on your mind in response to a prior question on your first meeting with Walter Sheridan, what did you tell him in his apartment in Nashville?

A. It was various things, I don't think they have been brought out in court here what I have discussed with him in his apartment, sir.

Q. Well, you said you wrote it down on a note in your mind.

A. I would call him because I would forget it if I didn't, I would call him as soon as I got the information and if it was of any importance I guess I would go on over and tell him.

Q. No, no, I am not talking about conversations, I am talking that when Mr. Walter Sheridan, according to your

testimony, picked you up alongside of the Noel Hotel in Nashville and took you in his car and took you to his apartment and then when you finished at his apartment he dropped you back in the same car a few blocks from the [fol. 4278] hotel, the Noel Hotel, and left you. I am asking you what did you say to him and what did he say to you in his apartment that night?

A. I don't remember the words because it wasn't relevant.

Q. How long were you there?

A. Not very long.

Q. Now, you say it wasn't relevant what—

A. (Interposing) What had been brought—

Q. (Interposing) To the case?

A. To what has been brought—

Q. (Interposing) I am asking you, sir, you just made a statement, I am trying to find out what you mean.

A. You won't let me answer you.

Q. You said—just a minute—did you say it was not relevant to what you were doing in Nashville?

A. I said I have never heard of it because evidently it wasn't relevant, I don't remember hearing it, so I have never been asked on the stand about it, I have never been asked by these people about it.

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[fol. 4280] By Mr. Schiffer:

Q. Did there come a time, the first time you came to Walter Sheridan's apartment in Nashville, yes or no?

A. Did there come a time when I—

Q. When you visited Walter Sheridan's apartment in Nashville?

A. Yes, yes.

Q. Yes. Was that the night you have testified to and he picked you up in his car there near the Noel Hotel and took you to his apartment?

A. No, sir, I don't think I said I went from the meeting

with him on the street to his hotel that night, I said we rode around sometimes, the majority of the time we rode around in his car.

Q. Did you not testify before this jury under oath, and don't answer too quickly, please, think about the question—did you not testify and say to this jury there came a time when Walter Sheridan picked you up near the Noel Hotel in his automobile and he took you to his apartment where you and he had a conversation, when the conversation was over in his apartment, he took you back in the car, drove you back within a few blocks of the Noel Hotel and dropped you on the street and he went off and you went about your business, did you not so testify?

A. I certainly did, I said that he—

[fol. 4281] Q. (Interposing) Well, now, that's all. You certainly did, that is your answer?

A. You cannot—

Q. (Interposing) Now, the next.

A. I cannot answer you that question, Mr. Schiffer.

Mr. Neal: Your Honor?

The Court: Just a moment.

Mr. Neal: He is attempting to explain his answer.

Mr. Schiffer: There is no explanation, he testified to that.

The Court: Allow the witness to complete his answer.

By Mr. Schiffer:

Q. Now, my question is—

The Court: (Interposing) Just a moment, Mr. Schiffer, allow the witness to complete his answer.

Mr. Schiffer: There is no need to complete his answer, he said yes, sir.

The Witness: I said I'd have to explain, Mr. Schiffer.

The Court: Finish your answer, if there is anything further.

A. I testified I had gone to Mr. Sheridan's apartment.

Q. Will you speak up louder, please, we can't hear you [fol. 4282] here.

A. I said I had went to Mr. Sheridan's apartment, he had picked me up on the street, we would ride, sometimes I met him in the theater, one time.

Q. I am not talking about one time, I'm talking about that first occasion.

Mr. Hooker: Now, let's—

Mr. Schiffer: (Interposing) That's why I'm getting a different answer. We are on one point—

Mr. Hooker: (Interposing) We object.

By Mr. Schiffer:

Q. Did you not testify—

Mr. Hooker: (Interposing) We object, if your Honor please, the witness hasn't been permitted to complete his answer.

Mr. Schiffer: He is going into another instance than—

Mr. Hooker: (Interposing) Object to Mr. Schiffer's statement.

Mr. Schiffer: Wasn't responsive to the question. I am putting him—talking about one incident here before he said he did so testify, now my question is how long were you in Sheridan's apartment?

The Witness: Your Honor, I can't intelligently answer a question like that, not the way he tried to put it, entrap- [fol. 4283] ment.

By Mr. Schiffer:

Q. Let me repeat my question. Was there a time when you testified Mr. Sheridan picked you up near the Noel Hotel and took you in an automobile to his apartment in Nashville?

A. I think I said, if you let me answer you, in this way, sir, that he took me to his apartment, I met him in the

theater, I rode around with him when he picked me up sometimes and various times I—

Q. (Interposing) I am not talking about sometimes.

Mr. Hooker: We object to the interruption.

Mr. Schiffer: I want a responsive answer.

The Court: The witness has answered. Proceed to your next question.

By Mr. Schiffer:

Q. On the night following the event in the Jackson Hotel lobby, is it not your testimony heretofore that Mr. Sheridan picked you up in his automobile and you went to his apartment?

A. Sir, I will have to explain the answer again.

Q. I am just asking you yes or no, did you so testify?

A. I don't recall as you want me to answer you, sir.

Q. Just a moment. I'm just asking you for a yes or no answer. Did you?

A. I can't give you a yes or no answer.

[fol. 4284] Q. Did you so testify? Well, your Honor, I want a responsive answer. It can be answered yes or no. He has become evasive again and we are going to get some more perjury from him if we keep it up.

Mr. Hooker: We object to that statement.

The Court: Sustained.

Mr. Hooker: Ask your Honor to instruct the jury not to consider it.

The Court: Sustain the objection, completely disregard that statement of counsel. Mr. Schiffer, let's stay within the record of this case and refrain from this type of argument. The Court has instructed you previously in this regard.

By Mr. Schiffer:

Q. Did you testify you had a conference with Mr. Sheridan in his apartment in Nashville?

A. Yes.

Q. Well, don't shake your head if you have an answer.

A. I said yes. You don't want me to holler like you or don't want me to answer.

Q. How long were you in Mr. Sheridan's apartment that night when you had this conference with him?

A. I was waiting to see if you were going to—

The Court: (Interposing) Answer.

[fol. 4285] A. Approximately an hour.

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[fol. 4286] By Mr. Schiffer:

Q. How long were you in Mr. Sheridan's apartment?

A. I would guess about an hour, sir, just guessing.

Q. The time you came into his apartment you commenced this hour conference, was there anybody else in that apartment?

A. No, sir, I don't think so.

Q. Well, could you say within a definiteness so that His Honor and the jury understands your answer?

A. If I had to say that, no one—that one or the other, I would say that no one was there.

Q. No one was there?

A. That's right.

Q. When you came in was it a social event you were having there or a business conference or some kind of a conference?

A. I was there, sir.

Q. What I am trying to find out is who spoke first when you got into the apartment and you sat down to talk business now?

[fol. 4287] A. We talked.

Q. Did he talk to you or did you talk to him?

A. We walked into his apartment together, sir.

Q. Yes. What is the first thing that happened?

A. Well, we got out of the car, he closed the door, he walked through the back door.

Q. You are already in the apartment, forget the car, you are in the apartment, you said. And now, who is the first one who started talking about anything?

A. I don't know. He took his coat off, I sat down.

[fol. 4288] Q. I didn't ask you that, did I, I said who was the first one who spoke about anything about the business you were there to transact that night, you or him?

A. Sir, I couldn't swear to which one was the first one that spoke. We weren't fighting.

Q. All right, now, who was the first one now to bring up any item during that conference, either you or he or what did that one say, you or he?

A. I believe he asked me about some things I had called in to him on the phone.

Q. Well, is that your best recollection, you believe?

A. Yes, sir, none really what discussed came out here.

Q. How long had you been in Nashville at the time when you had this first meeting at his apartment?

A. I don't think it was too long, sir. I met him so many times in and around.

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[fol. 4292] By Mr. Schiffer:

Q. What were the specific items you and he discussed that first night at his apartment in Nashville after you arrived October 22, 1962?

A. The specific items I don't remember because I haven't seen any of them out here on the table too much. Whether they have been kicked around and where I have been asked questions prior to this in regard to them evidently developing everything.

Q. What do you mean "kicked around," what was kicked around?

A. If this ain't being kicked around I don't know what has.

Q. Do you mean you kicked it around?

A. No.

Q. Now, would you mind trying to answer my question, [fol. 4293] you were there for an hour, you were there for a specific purpose, you were there to confer with Sheridan about some alleged activities on the part of other persons and you were the good citizen you have told us, you were here to enforce the law at nobody's invitation, you are the volunteer now, what did you discuss with Sheridan of the Department of Justice the first conference you had with him for an hour in his apartment? Tell the jury.

A. I have tried to, sir.

Q. Please tell them.

A. Will you let me?

The Court: Just proceed.

By Mr. Schiffer:

Q. Certainly I will, I asked you the question.

The Court: Speak out.

The Witness: I said the questions we discussed I haven't seen them brought up here too much, it was evidently no relevance.

Mr. Branstetter: We can't hear him, your Honor.

Mr. Brown: We can't hear him, your Honor.

The Court: Just talk out loud.

The Witness: Should I tell the jury now or these over here?

By Mr. Schiffer:

Q. You will talk loud—

[fol. 4294] Mr. Branstetter: (Interposing) May it please the Court, if he will in some manner direct it so we can hear. I assume all of us are interested in it.

The Court: Face straight forward.

The Witness: I said I don't recall the conversation because of the fact in detail because I haven't had it brought out to me and asked either prior to the trial when it was

asked to me, evidently was nothing developed out of it because I haven't been asked any more about it. It hasn't been pursued so evidently nothing developed out of the meeting that I have brought in there.

By Mr. Schiffer:

Q. Nothing developed?

A. Evidently. I mean it is not familiar about my mind to go into details with it.

Q. You have an independent recollection now as you sit here as a witness in this case that you have testified already to the very events you are testifying to now?

A. Do what now, sir?

Q. Do you have an independent recollection as you sit here as a witness in this case that within the last week you were questioned on the very same item and you made answers to those questions, do you remember that?

A. I imagine I made the same answer.

Q. You think you made the same answer?

[fol. 4295] A. I would think so.

Q. Now, would you tell us what the answer is?

A. Well, I certainly can't recall the specific details of it and I don't see why I could recall it now any more than I could then.

Q. Well, tell me something, were you there making notes while you were talking with your superior, Mr. Sheridan?

A. You said that.

Q. And you were talking about other people, weren't you, making notes?

Mr. Neal: Objection, your Honor, complete misquotation of the record.

Mr. Schiffer: I haven't quoted the record, your Honor.

The Court: Just answer yes or no.

The Witness: I wasn't making notes, no, sir.

By Mr. Schiffer:

Q. Was Mr. Sheridan making notes?

A. I would imagine he was. He would have had to make something in order to run down the information.

Q. I don't want your imagination because you write mental notes.

A. No, sir, I couldn't swear to it, no, sir.

[fol. 4296] Q. I want you to tell us under oath, did you see him writing any notes?

A. I couldn't swear to what he was doing.

Q. Wasn't there a typewriter in the apartment near where you were sitting and talking with him?

A. I don't believe so.

Q. Was there a desk near where you and he were sitting and talking and conversing in his apartment?

A. I didn't notice a desk.

Q. Did you see him go to a typewriter and make any notes?

A. I don't believe I've ever seen him type.

Q. I'm talking about that night.

A. I don't recall. He might have. I don't recall it, though.

Q. Did he tell you he was making a sound recording of your conversation and conference?

A. No, sir, he never told me.

Q. But it was your impression he was making notes, pen or pencil, on paper?

A. I didn't say he was making notes. I said I imagine he was doing something.

Q. When you say you imagine he was doing something, was he doing hop skitch and skip twitch dance?

A. Not like you were doing.

[fol. 4297] Q. Well, you were sitting there in serious conversation, weren't you?

A. He was sitting I would guess from here to this gentleman here across the room from me.

Q. You were sitting across the room and you were telling him certain things and he is talking to you about those certain things. Is that right?

A. Yes, sir, he would be talking to me.

Q. Now, throw your mind to the exact picture of what happened in that room, did he ever pick up a pencil and pen and write anything on paper?

A. Several times I have seen him make a note of a number or something but I don't know what he was doing.

Q. But you never saw him write anything while you were talking with him?

A. He never did so that I could tell.

Q. Wasn't any answer you made that he wrote down?

A. I don't know what he was doing.

Q. But you saw him using a pen or pencil on paper while this conference was going on. Is that right?

A. I have seen him just sit there and do like you would do. Doodle with one.

Q. Oh, he just was doodling?

A. I have seen him do it, I say.

* * * * * * *

[fol. 4311] February 11, 1964

EDWARD GRADY PARTIN, a witness called at the instance of the United States of America, having been previously duly sworn, was recalled and testified further as follows:

Mr. Schiffer: May I proceed, Your Honor?

The Court: Yes, Mr. Schiffer.

Further cross examination.

By Mr. Schiffer:

Q. Now, Witness, you recollect testifying with reference to the matter of the monies given to you by the government and you stated, in substance, "I have a lot of expenses still owed to me by the government." Do you recall that?

A. I didn't ever state that the government gave me the money, sir, I said I had money—

[fol. 4312] Q. (Interposing) Will you please answer my question?

A. I don't recall what you said.

Q. You don't recall testifying that?

A. I said I don't recall, sir, as you put it.

Q. Not as I put it. I am asking you in substance did you testify, "I have a lot of expenses owed to me by the government." Did you so testify in substance?

A. I don't know whether I said "A lot of them", I said I still had money owed to me.

Q. You say to your best recollection as you sit here now you don't recollect making that answer?

A. Not in the way you put it, no. You made a statement.

Q. On Page 4124 did you make this answer in response to a question, "Now, these what Mr. Hooker was talking to you about were those trips that you made to Birmingham and Columbia, Tennessee, to see representatives of the Federal Government, and didn't he ask you, 'Have those expenses been paid to you?'

"And you said, 'indirectly, they were paid to my wife?'"

"Answer: No, sir, I have a lot of expenses still owed to me by the government."

A. That sounds about right.

[fol. 4313] Q. Is that what you said?

A. I said it sounds about right. I'm not reading it. I don't know what you are reading. I said it sounds about right.

Q. Will you please try to be responsive to my question without giving me a dissertation?

A. I can't the way you put it.

Q. I will give you the questions, you can answer yes or no.

A. Let's see.

Q. Did you testify yesterday on that subject?

A. I said it sounds about right. You are reading it, though.

Q. Now, then, I suppose there will be no complaint from

the government that I have misread the record. Would you like to see the record as to what you said?

A. I said it sounds about right. That suits me.

Q. Well, it is exactly right, is it not?

A. I can't swear that without looking at it.

Q. I will show you the record then. I show you the answer at line 22 and 23.

A. If this is the correct record, yes, sir. It looks like it is correct, sir. That would be correct.

Q. Well, it is your present recollection that this is accurate, this record that you just looked at?

[fol. 4314] A. Yes, sir, I said it sounds about right to me when I read it.

Q. You said it sounds right, it is exactly right, isn't it?

A. According to your record there, yes.

Q. Well, this is not my record, this is the record of the court reporter, it is correct, is it not?

The Court: I believe he has answered. Let's proceed.

By Mr. Schiffer:

Q. Is there any correction you want to make in that answer, have you got it down inaccurately, do you want to make a correction?

A. You may. I don't.

Q. I am asking you. You answer my question and you be responsive, Mister.

Mr. Hooker: Starting out another argument, your Honor.

The Court: Let's proceed.

Mr. Schiffer: Unless he is responsive there will have to be argument, Mr. Hooker.

By Mr. Schiffer:

Q. Now, tell this jury what these expenses are they still owe you for?

A. They would amount to times I were requested—

[fol. 4315] Mr. Brown: (Interposing) I can't hear him.

The Witness: He said tell the jury.

The Court: Well, just keep facing forward, Mr. Partin.

By Mr. Schiffer:

Q. Now, tell us.

A. That would be different trips that I was out of town at the request of government officials.

Q. Now, give me the first trip that you made for which they have not paid you your expenses.

A. Oh, that was quite a while ago, sir.

Q. Give me the first trip for which they owe you money for your expenses.

A. I can't answer you exactly, sir.

Q. I didn't say exactly. Just describe what that trip is.

A. It was a trip to be out of town away from Baton Rouge.

Q. What was that?

A. I answered you, sir.

Q. Was it 1962? 1963? 1964?

A. Oh, it would be in 1962, I would imagine. 1963. I'm sorry. If you will wait and let me finish. Last year.

Q. '63?

A. Yes.

[fol. 4316] Q. 1963?

A. Yes.

Q. Now, then, where did you go on that very first trip for the government for which they owe you expenses?

A. Sir, I went to so many places I couldn't tell you where I went.

Q. Did you give them a bill?

A. No, sir, I didn't.

Q. Then you haven't to this day given them a bill for the expenses?

A. They knew where I was at at all times.

Q. I'm not asking you what they knew, now, you answer my question.

A. I believe I was allowed per diem for expenses, sir.

Q. Do you have a list on your person showing what you were putting in for?

A. No, sir, I don't.

Q. Did you ever submit a bill to the government?

A. Not just in verbal conversation.

Q. I am not talking about verbal conversation; in writing, did you ever submit a bill to the government for the expenses that you had incurred making a trip on behalf of the government?

A. I don't believe so.

[fol. 4317] Q. Well, when you say you don't believe, did you or did you not?

A. Sir, you look at the jury and ask me.

Q. I am looking at you, did you or did you not submit a bill in writing?

A. No, sir.

Q. Expenses you incurred?

A. Not that I can recall.

Q. Would you wait until I finish the question.

A. You won't let me.

Q. You just wait until I finish the question: did you ever submit a bill in writing for the expenses you incurred on the first trip you made on behalf of the government in 1963?

A. Is that all?

Q. That is my question.

A. No, sir, I don't recall one.

Q. The fact is you never did, isn't that right?

A. That I can recall, no, sir.

Q. That you can recall: what is the second trip you made for the government in 1963 for which they owe you money?

A. Sir, I said I made so many of them away from Baton Rouge that I don't recall.

Q. You are talking now about trips you made on behalf [fol. 4318] of the government?

A. I was staying out of the way.

Q. I say, you were making these trips for the government?

A. At the request of my official.

Q. At the request of official of the government?

A. The best I can recall.

Q. All of this time, of course, you were drawing your salary and expenses of the union?

A. With the permission of the membership.

Q. I am not asking you that, sir, I'm asking you is it not a fact that all of this time you were drawing your pay and expenses from the union?

A. Not expenses for that, no, sir.

Q. You were drawing your salary?

A. Oh, yes, sir. I was supposed to. A lot of times I was paying it on strike benefits and didn't get none.

Q. I am asking you did you draw your salary?

A. Not at the time, no, sir, because we were—

Q. (Interposing) I'm not asking you the reasons. Would you please answer the question and be responsive?

A. I can't.

Q. You can't answer it?

A. Not the way you put it.

Q. Do you mean you don't want to answer it?

[fol. 4319] A. I will if you let me.

Q. You listen to the question before you start the answer and we won't have any difficulty.

A. You don't want to hear the answer.

Q. The second question was, where did you go on this second trip for the government?

A. Sir, you want me to answer the question you asked before?

Q. Sir, be responsive.

A. You have asked me two questions.

Q. The question now—

A. (Interposing) Which one?

Q. Tell us the second trip you made for the government, did you put a bill in for your expenses on that trip?

A. Sir, I have told you I don't remember submitting a written bill at any time.

Q. At any time?

A. That is right.

Q. Now, then, in 1963 did your wife receive checks from the government or money from the government which is supposed to be for your expenses?

A. Sir, that would be hearsay. I don't know.

Q. You don't know, did anybody discuss it with you?

A. I was told that it would be taken care of but I don't know.

[fol. 4320] Q. Who told you that?

A. I believe Mr. Grimsley did.

Q. Mr. Grimsley?

A. Yes.

Q. Mr. Sheridan ever talk to you about it?

A. Of course he spoke to me about it.

Q. What was your per diem for expenses?

A. It must have been the lowest they had.

Q. Pardon me?

A. I don't know what it was, it was mighty low.

Q. What was it was my question.

A. Well, I was paid the lowest they had, I believe.

Q. I asked you in dollars and cents what was the per diem you were receiving from the government?

A. Evidently you didn't understand me, Mr. Schiffer. I said I never saw the money. That it was hearsay.

Q. I didn't ask you that at all, I am asking you now you said before that you were getting a per diem, tell the Court and jury what the per diem was.

A. I think it was based on a per diem, sir. I can't swear to any of it. I have never seen any money involved.

Q. Are you now saying you want to change your answer that it was not a per diem?

A. You haven't never let me answer yet.

[fol. 4321] Q. I'm asking you a question, do you want to change your answer now that it was not a per diem?

A. I don't want to change my answer to you on anything. I'm satisfied.

Q. Well, I don't think the jury is, so please answer my question.

A. You don't want me to talk to the jury.

Q. You please answer my question, what was the per diem you referred to that you received from the government for every day you were away on a trip for the government?

The Court: If you know what it was, say it. If you don't—

The Witness: (Interposing) Sir, I don't know. I said I understood it was based on a per diem. I have never seen any actual cash. Anything I did I cannot answer the question actually because I never did see it and I don't know.

[fol. 4322] Q. So what you are saying in effect is some public official, Grimsley, told you he will take care of your bills. Is that right?

A. No, sir, that is not right.

Q. He didn't say that?

A. Certainly didn't.

Q. Did you sign a voucher at any time to the government for these expenses for which they were giving your wife money as you say for you which totalled up to the amount given to your wife at any given time?

A. Do you want me to answer it again?

The Court: Yes, if you can answer.

The Witness: I said I haven't, I don't ever remember signing a statement, sir, in regard to those.

[fol. 4323] Q. Now, forget about the statement.

A. The best I can recall—

Q. (Interposing) Did you ever put in a bill or a voucher without signing it by specifying in detail the amounts of money you were out of pocket which the government had to reimburse you for expenses?

A. Be verbal if I did, I don't remember, I don't remember writing.

Q. It was always verbal with Mr. Grimsley?

A. Whoever I would be discussing it with.

Q. Well, who else did you discuss this matter with?

A. I may have discussed it with Mr. Sheridan, I am not positive.

Q. When you say may have, will you throw your memory back, give yourself your best recollection?

A. My best recollection, as I told you 15 times, is Mr. Grimsley.

Q. You don't mind telling me the sixteenth time?

A. No, sir.

Q. Whether or not you discussed—

A. (Interposing) Be glad to tell you.

Q. Whether you discussed this with Mr. Sheridan.

A. Be happy to, sir, to tell you what, sir?

Q. Did you discuss the per diem, your expenses and vouchers with Mr. Sheridan?

[fol. 4324] A. I believe Mr. Sheridan was informed how much alimony I paid a month, it's not alimony, sir, I am—I want to recall by that, it's support.

Q. It's support?

A. For the children, yes.

Q. And so that you are now telling us, are you not, that the amounts of money which was given to you by the government was not a per diem or to reimburse you for expenses but the government was taking care of your support of your children and your wife?

A. No, sir, I didn't tell you that.

Q. You didn't say that?

A. I said my understanding was it was based on a per diem.

Q. As a result of your conversation with Mr. Grimsley or Mr. Sheridan or both, you have testified, haven't you, here that they were aware of what your support payments were to your family and they were taking care of that?

A. That was my understanding, sir, I don't know what—

Q. (Interposing) Now, when you say your understanding, was that your understanding after a conversation with them about that subject?

A. Well, I would imagine so, sir, wouldn't be any other way I could get it.

[fol. 4325] Q. So that was the only way you had it. Now, then tell us about the first trip you made for the government and where that was to in 1963?

A. Sir, I don't remember. As I said, it was so many of them I can't recall because there was nothing significant about them, just be away from Baton Rouge.

Q. And when was the fourth trip? How many trips were there? I withdraw that question. How many trips do you say there were?

A. Sir, I don't know, numerous trips.

Q. Well, give us an approximation.

A. Oh, I would have been gone off and on 60 or 70 days, somewhere along in there, I am not positive of exactly how many days.

Q. And 60 or 70 days, did you say?

A. I believe you understood me.

Q. And how many trips was that, 60 or 70 trips?

A. No, sir, it wouldn't have been 60 or 70 trips.

Q. Well, how many trips would cover the 70 days?

A. Sir, I can't answer you.

Q. Give us—

Mr. Haggerty: (Interposing) Your Honor—

Mr. Schiffer: (Interposing) Pardon me.

Mr. Haggerty: Either I can't understand or I don't hear but I don't know if this witness said 6 or 7 days or 60 or [fol. 4326] 70 days.

Mr. Schiffer: Sixty or 70 was what the witness said.

The Court: All right.

By Mr. Schiffer:

Q. Now, tell us how many trips you made which totaled 60 to 70 days.

A. I would guess six or eight or ten trips, I don't know.

Q. On your first trip which you made on behalf of the government, where did you stop or stay or sojourn?

A. I believe I have told you, sir, I don't remember all of the places I were, I was everywhere.

Q. When was this second trip, where did you stay on the second trip away from home?

A. I may have to go back there again, I don't remember.

Q. Any trip do you remember where you stayed any single time?

A. Oh, yes, I have stayed in New Orleans, I have stayed in Birmingham, I have stayed in Tennessee. You asking me the question or he asked me, I heard another question over there?

Q. Well, just don't interfere with the court procedure.

[fol. 4327] A. Someone asked me a question.

The Court: Let's don't be—

Q. (Interposing) You answer the question.

The Court: Counsel that are not conducting the examination do not be stating questions. The Court heard someone state a question also.

By Mr. Schiffer:

Q. Tell us where else you stayed.

A. Sir, I can't recall to be specific all of the places, there was so many of them.

Q. All right. Let's take the first one you mentioned. You said New Orleans, is that right?

A. I just put it in there by a name and city.

Q. Let's take it in the order in which you gave it, New Orleans. What hotel or motel did you stay at in New Orleans?

A. I usually try to cover them up, I would get one that was remote.

Q. Did you pay your bill?

A. Oh, yes.

Q. At the hotel or motel?

A. Oh, yes.

Q. Did they give you a bill?

A. Oh, no, not—the hotels I stayed at I told them I would request them later if I needed them.

[fol. 4328] Q. Did you pay when you left the hotel?

A. Oh, yes.

Q. Or motel?

A. Definitely.

Q. You got a paid bill?

A. No, sir.

Q. Or a paid receipt, did you not?

A. No, sir.

Q. You never took a paid receipt?

A. I didn't want it on me so anyone would know where I was at.

Q. I see. So when it came to the end of that trip did you make a tabulation, a show that you had paid so much, whatever it was for that night's lodging or two nights' lodging or whatever it may have been and giving that to Mr. Grimsley or Mr. Sheridan to show that you actually had an expense?

A. They was in touch with me most every day, sir, they knew.

Q. I didn't ask you that. I asked you, sir, and please respond to the question, did you make a tabulation of the expenses you had had when you were in New Orleans that you are talking about of your hotel expenses and turn that in to Mr. Grimsley or Mr. Sheridan for reimbursement of your expenses on that trip?

[fol. 4329] A. Your Honor—

Mr. Neal: (Interposing) Your Honor, he has gone over this. The witness testified he was paid for expenses on a per diem basis, so much money a day to cover expenses. This is a common way of covering expenses, I believe the government does it this way.

Mr. Schiffer: Objected to, your Honor.

Mr. Neal: I believe the International Brotherhood of Teamsters does it.

Mr. Schiffer: This is testimony in front of the jury.

The Court: If the witness knows he can answer, if he doesn't know he can so state.

Mr. Schiffer: This is something in his own peculiar knowledge, your Honor. He can't say he doesn't know, he is the actor in this very incident.

The Court: The Court has stated its position, proceed.

By Mr. Schiffer:

Q. Now, would you answer the question?

A. I didn't understand the question as you put it the last time.

Q. Did you turn in a compilation of any kind?

A. I have told—

Q. (Interposing) Of your expenses?

[fol. 4330] A. I have told you.

Q. Will you finish with the question—

A. (Interposing) You have asked me three or four times. I know the question by heart.

Q. You remember my question now. You just said you didn't remember it.

A. I remember it by heart.

Q. Well, now, listen to the question then so you can answer it intelligently, truthfully, I hope. Did you at any time make a compilation?

The Court: Disregard—

Q. (Interposing) In which you turned—

The Court: (Interposing) Just a moment. Just disregard that remark of counsel.

By Mr. Schiffer:

Q. Did you at any time after that trip that you speak of to New Orleans make a compilation of your expenses for that particular trip and turn that in to any official of the government of the United States to justify your expenses out of pocket that you wanted reimbursement for?

A. I said before I don't ever remember writing a written report in and giving them a written report, I don't recall any that I ever wrote.

Q. All right. Let me ask you this question: On the first $300 check that was given to you for your expenses by the [fol. 4331] government of the United States, will you explain to this Court and jury all the items which went in to make up this even amount of $300 as expenses?

A. You said explain to the jury. I will try to. That was the amount—

Mr. Berke: (Interposing) That doesn't mean he has to turn where we can't hear him, your Honor.

The Court: Yes. When they say "tell the jury," disregard the instructions of the attorney, Mr. Partin, and just speak straight forward.

A. Yes. Now, who arrived at what, sir? I didn't file where?

Q. Did you forget the question?

A. Yes, sir, I believe I did.

Q. All right. Let me repeat it to you. You remember you testified to a $300 check that was given to your wife to cover your expenses on that first check.

A. No, sir.

[fol. 4332] Q. Now, tell us—now, just a moment, please—now, you tell us, tell the Court and jury exactly what amounts went up item by item to add up to exactly $300 for your expense account on that trip.

A. Sir, I have never told you that I saw a $300 check or I knew that $300 was paid, I said it was my understanding.

Q. It was your understanding?

A. I haven't seen it.

Q. You know it was paid, do you not?

A. I couldn't swear to it.

Q. Didn't the government tell you they paid it?

A. It was my understanding it were.

Q. All right. It was your understanding?

A. You have to ask them about it.

Q. Now, it's your understanding. Did you want to make yourself a party to a crime to defraud the Government of the United States of the $300 if you realized or thought it was false?

A. I don't think it was false.

Q. You don't think it was false?

A. No, sir.

Q. You tell the Court and jury now as to the first $300 check, as to the first $300 payment, the specific items which add up to $300 on that trip, your out-of-pocket expenses.

[fol. 4333] A. You keep saying I said it was a $300, I can't swear to any amount on there, I don't know, I have never seen it, sir.

Q. Well, do you mean then after you had the conversation with some officials of the government and you knew they were going to take care of the support of your family and that they were going to cover your expenses in that fashion that you didn't know that as a matter of fact your expenses totaled $300 that they were going to give to your wife?

A. No, sir, I didn't know, that was up to them to compile that and not me.

Q. Oh, they. Then you never had any hand at preparing your expense accounts, somebody else did that?

A. You are putting words in my mouth that were—

Q. (Interposing) I am going by your own response.

A. No, you are not.

Q. I am asking you, isn't it a fact then that you are testifying now that at no time had you put in an expense account itemizing your expenses but that somebody else did that for you?

A. I said that verbally I discussed with them, I did not put anything in writing that I can recall.

Q. Will you be responsive to my question?

A. To you I can't.

Q. My question is this: You never then, as I under-

[fol. 4334] stand your testimony, at no time ever compiled a list of your expenses but that that list of expenses was made up on your behalf by someone else?

The Witness: Your Honor, should I answer him again?

By Mr. Schiffer:

Q. I didn't hear the answer to the question yet.

A. I said, sir, I have never filed a written report that

I can recall, verbally I have discussed it with them. I couldn't swear to any amount that may have been paid to her because I didn't see it.

Q. I am not asking you what you saw.

A. Well.

Q. You have testified that the government was going to take care of your expenses, have you not?

A. No, I did not.

Q. You have never testified here the government was going to pay your expenses?

A. I didn't say expenses as such, I said on my payments to my wife for $300.

Q. Did you not testify, did you testify here yesterday that the government owed you money for your expenses which they have not yet reimbursed?

A. I did do that, I haven't been paid for those, sir, I wouldn't—

[fol. 4335] Q. (Interposing) Now, will you tell us then what is the total amount that they still owe you?

A. I don't know, sir.

Q. You mean there is money owed to you for out-of-pocket expenses and other items and you don't know what the government owes you?

A. I don't believe I do, sir, I haven't discussed it with them.

Q. Did you file an income tax return for the year 1962?

A. Oh, yes, wait a minute.

Q. In your income tax return for the 1962?

A. Do what?

Q. In your income tax return for the year 1962, which you made out in 1963, did you declare the monies you received from the Government of the United States in any fashion in connection with this?

A. Sir, I wouldn't have received any money from them.

Q. I am asking you.

The Court: Just a moment. Let him answer. You asked him if he received money in 1962 which he reported in 1963. Let him answer.

By Mr. Schiffer:

Q. For the year 1962 I meant, of course.

A. Well, I didn't get any that I can recall in '62, I [fol. 4336] wouldn't have had any purpose.

Q. Did your wife receive any in 1962?

A. Not that I know of, sir.

Q. Pardon me?

A. Not that I know of.

Q. Not that you know of?

A. No, sir.

Q. Have you discussed it with any official of the government?

A. It wouldn't be any reason to for '62.

Q. Do you have a compilation of all of your income for the year 1963?

[fol. 4337] A. I haven't never gotten it from the auditor, no, sir. I have been busy up here.

Q. Well, you make out an income tax return, do you not?

A. One year I didn't, I didn't draw a salary.

Q. I'm talking about 1963, did you earn enough to file a return?

A. I'm going to file one.

Q. Going to file one, do you make a joint return with your wife?

A. I don't know whether I will or not. But I will give you a copy. I haven't discussed it with her.

Q. Now, then, do you have a compilation so that you can prepare accurate income return for 1963? Do you have any record of what you or your wife received from the government?

A. Sir, I don't have any now but my understanding is it is on a per diem basis.

Q. I'm just asking you to answer my question now. Do you have a compilation or record showing for the year 1963 all the payments of money the government pays to you or your wife in connection with your testimony?

A. No, sir, but I'm sure the auditor will before the—

Q. (Interposing) I'm asking you, do you have such a compilation?

[fol. 4338] A. Sir, I haven't even gotten my W-2 forms.

Q. Do you know of your own knowledge, of your own knowledge now, as to whether you have a record concerning payments made to you or your wife in connection with what you are testifying here today?

A. I don't have it here now that I know of.

Q. Do you have it at home?

A. I doubt it, sir.

Q. Then you have no record at all of how much the government may have given your wife for the support payments or what they might have given you personally, is that correct?

A. They haven't given me anything personally, sir.

Q. I'm asking you, you have no such record?

A. Not that I know of.

Q. I didn't get your answer.

A. I said not that I know of.

Q. All right. I'm going to show you from Exhibit No. 121 for identification, I show you from the four checks attached to this exhibit, the reverse of a check dated July 15, 1963, drawn on the First National Bank, Atlanta, dated July 15, 1963, made out to Mrs. F. G. Partin for $700.00. And ask you whether you recognize the signature of the party who endorsed this check?

A. It looks like my wife's sir.

Q. Do you recognize it as her signature?

[fol. 4339] A. As best I can—

Q. (Interposing) You have seen her signature before?

A. Well, it has been three years since I saw it. Looks the same as I saw it, looked that way the last time I saw it.

Q. Now, on this check of July 15, 1963 the proceeds of the government check, paid over to your wife, before it was paid over to your wife, you had a conversation with Mr. Grimsley or the others connected with the government, did you not?

A. Yes, sir, I would imagine I did.

Q. I will ask you to look at Exhibit No. 121 for identification, at a check on the First National Bank of Atlanta, to Mrs. E. G. Partin, $300.00, and ask you to look at the endorsement on this check and tell us whether you recognize the handwriting.

A. It looks like the same, sir.

Q. Do you recognize that as your wife's signature?

A. I couldn't swear to it. I said it looks the same. Looks like it.

Q. And as to this signature you haven't seen that in three years.

A. Well, it has been about three years since I have separated from my wife so I couldn't swear to it.

Q. I show you a check on the First National Bank, [fol. 4340] Atlanta, dated September 12, 1963, this is Exhibit No. 121 for identification, made out to Mrs. E. G. Partin for $150.00 and I ask you to examine the endorsement and tell us whether you can recognize it, identify it.

A. It looks the same, sir.

Q. And to your best knowledge you would say that was your wife's signature?

A. Yes, sir, if I had to guess, sir, I would say it was. Just from memory.

Q. I don't say, I'm asking you to identify it.

A. Sir, I couldn't swear to it. It looks the same.

Q. And from Exhibit No. 121 for identification I show you a check on the First National Bank, Atlanta, dated November 14, 1963 to Mrs. E. G. Partin and I ask you to look at the signature endorsed on the back and tell us whether you can identify it if you will.

A. Just looking at it, it looks the same to me. Just looking at it.

Q. Now, in connection with these four checks which you just examined, those four checks represent monies given to your wife as a result of your understanding with the government officials, is that correct?

A. Yes, sir, that is about correct.

Q. And the understanding was that you had with the government officials was that it was to take care of the support [fol. 4341] of your family.

A. That was my understanding, yes, sir.

Q. Now, could you advise this court and jury the best approximation you can make from your own personal affairs as to how much the government still owes you?

A. If I had to guess I would say $300.00 to $600.00.

Q. $300.00 to $600.00?

A. Just guessing, yes, sir.

Q. That is just a guess?

A. Yes, sir.

Q. And this three to six hundred dollars will also go to your wife, will it not, under your understanding with the government?

A. No, sir.

Q. That would go to you directly?

A. Yes, sir.

Q. And at that point when it came to you directly, your family would do without the support then?

A. Oh, I've been paying them quite awhile, sir, myself.

Q. I call upon the government to produce any other checks relative to the matter we are inquiring into, Your Honor. Up to date.

Mr. Neal: Your Honor, we have turned over to the Court all the checks as Your Honor—

[fol. 4342] The Court: (Interposing) Four checks that have been referred to here were all the checks that were turned over to the Court by the government. All right.

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[fol. 4350] By Mr. Schiffer:

Q. The question, Witness, is how many times did you talk with Mr. Tweel in October, November and December of 1962 about what you alleged and called jury tampering?

A. It would be with he less than anyone else, I would say three to four times at the most.

Q. Could you fix it with any sense of definiteness?

A. I believe that's pretty definite, three or four times.

Q. Three or four times. It couldn't be more or it couldn't be less?

A. I don't think it couldn't be, I am just guessing, sir, I said three or four times.

Q. Then you are not testifying under oath as to the exact truth, you say you are guessing?

A. Well, I can't swear to the number of times I spoke to him, I may have spoke to him in the hallway, I may have spoke to him in the lobby.

Q. Well, how many times did you speak with Mr. Dorfman in 1962 about this alleged jury tampering?

A. I would guess a few more times than him.

[fol. 4351] Q. Well, how many is a few to you?

A. Well, to the best of my ability I can't tell you exactly how many.

Q. Well, you said a few more times. How many would you want to add to the four?

A. Less than Mr. King, I will put it that way.

Q. Well, you have just testified that you spoke three or four times with Mr. Tweel. Now, you spoke with Mr. Dorfman a few more times. Now, how many would you add on to represent what you mean by a few?

A. To the best of my recollection it would be four or five times then.

Q. Four or five times?

A. Just put it that way.

Q. How many conversations did you have with Mr. Hoffa concerning the alleged jury tampering in 1962?

A. It would be more than them, I had a lot of conversations with him so I couldn't tie them down, I had plenty of conversations with him.

Q. Well, would you approximate?

A. No, sir, because when I was guarding his door he would tell me a lot of things that didn't pertain to the jury.

Q. Did he tell you a lot of things? I am talking about the alleged jury tampering, Witness.

[fol. 4352] A. I would just guess six or eight times, just guessing on actual facts that was something turned out to result from it.

Q. Then it actually would be less than that you spoke with Mr. Hoffa than you spoke with Mr. King?

A. Oh, yes, I spoke less with him concerning the actual tampering.

Q. Uh-huh. And if I told you that you were actually, in accordance with your hotel bills, you were in Nashville for a total of 32 days, would that sound about right to you?

A. Unless I could look at them I couldn't tell you.

Q. All right. I will represent to you that I counted them and it's 32 days.

A. I don't take your word for it.

Q. You don't take my word?

A. No, sir.

Q. Then suppose we work around it this way, you were in and out of Nashville October, November and December of '62, isn't that right, by your own testimony?

A. Yes, sir.

Q. You had conferences, you have testified, or talked on telephone, making reports to Mr. Sheridan, about every day you were there, is that correct?

A. I have answered that, sir, yes, sir.

Q. Now, would you tell us the entire time you were in [fol. 4353] Nashville, October, November and December, over and above these 11 or 12 times that you spoke with King, Mr. Hoffa, Mr. Dorfman, or Mr. Tweel, what were you reporting about to Mr. Sheridan?

A. Well, it would be things would seem important maybe to me that didn't turn out to be important, remarks that they would make that evidently didn't turn out to be anything.

Q. They didn't turn out to be anything at all?

A. Evidently they didn't.

Q. And so you constituted yourself a kind of a story teller, anything you heard anybody say you promptly reported that to Mr. Sheridan but after you reported it to

Mr. Sheridan then it turned out that what you had told Sheridan or what you had heard had no significance at all, isn't that a fact?

A. Sir, can I answer my qualification? I can't answer him yes or no.

Q. My question to you is, isn't it a fact many of the things you heard then which you reported to Mr. Sheridan turned out to be of no value and had no relationship at all to any degree of importance connected with an alleged jury tampering; now, isn't that what you have just said?

A. I can answer you if I can qualify my answer.

The Court: Just answer any way you can.

A. Yes, sir. I don't know how many, Mr. Sheridan would [fol. 4354] have to tell you how many turned out to be of any importance, I don't know that, I can't speak for him. I know of the major ones that turned up in this trial here and in the questions I was asked in between that I thought must have had a bearing on it and according to the newspaper reports—

Q. (Interposing) Well, forget the newspaper report, you were there yourself, you were better than the newspaper, weren't you, you were on the scene.

A. I am talking about after the indictment, sir.

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[fol. 4355] By Mr. Schiffer:

Q. Then you just testified, have you not, that you were asking questions and getting responses to some questions, you would transmit that to Mr. Sheridan but that there were a lot of these things you transmitted were worthless, isn't that correct?

A. No, sir, I said that things that I gave to him that would fit in, evidently a bunch of days or several days, fit into one picture, I would guess from the looks of the things, and so it wasn't up to me to judge whether they were of a nature that he needed or not, it's things—

Q. (Interposing) Let me ask you this question.

A. Sir, could I finish answering?

Q. Bearing in mind the number of times you spoke with the defendants, as you said to Mr. King, Mr. Hoffa, Mr. Dorfman and Mr. Tweel, for all these other days that you were in Nashville, what stories were you reporting to Mr. Sheridan?

[fol. 4356] The Witness: Your Honor, he didn't let me finish the first question he asked me. I was trying to qualify my answer and he cut me off.

Mr. Schiffer: Your Honor, I ask for a response to this question. We'll never get anywhere. Never complete it.

The Court: Go ahead with his question, Mr. Partin.

The Witness: Sir, I don't know of any stories I have gave. I didn't go up and say that Mr. King was being followed around and around by Mr. Vestal or something like that.

By Mr. Schiffer:

Q. I am asking you what stories you gave to Mr. Sheridan.

A. It is obvious, sir, but I don't know how to answer you on that because I told you I gave him anything that seemed of any importance. I didn't go up and tell him that they asked what time it was or that the attorneys was worried about the case. Or something like that. I mean that wasn't the point.

Q. And the number of days that you were there that you made these reports daily to Mr. Sheridan, other than those on which you had conferences, you say or a talk with any of the defendants, the subject matter which you reported to him proved to be worthless, isn't that correct?

A. I didn't say that. I said it was up to them to evaluate [fol. 4357] that.

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[fol. 4398] Q. And tell me, you were and according to your testimony, you were in Nashville in October, November, and December, 1962, every day or almost every day, isn't that right?

A. I don't know how many days. I would have to look and check.

Q. I'm talking about during the period from October 22 to the end of December, your testimony is that you were there constantly?

Mr. Neal: Objection, your Honor, as being not only repetitive but as being a misquotation of the record.

The Court: Sustained.

Mr. Schiffer: We'll find out about the misquotation, your Honor.

By Mr. Schiffer:

Q. Did you go to court every day when court convened in Nashville?

A. Sir, I said if I was there I probably did.

Q. What time did court open in the morning in Nashville every day?

A. It opened, I think, about 9:00 o'clock and let out about 1:00.

[fol. 4399] Q. So that the sessions were from 9:00 to 1:00, 9:00 in the morning to 1:00 in the afternoon?

A. Sir, you wouldn't let me finish. I said the last I can recall that is about the times it let out.

Q. Now, I will tell you what now on this question, you can talk all you want, give us your full answer.

A. All right.

Q. Unless you have completed your answer. Have you completed your answer?

A. No, sir, I said as far as I can remember court convened earlier than usual and let out earlier than usual, I believe, because of the condition of the judge what he had, or something. I heard the remarks that he couldn't hold court all day is the reason I remember that because of his either heart condition or illness or something that he couldn't hold court all day long.

Q. I see. So as I understand from your answer court actually sat throughout the trial from 9:00 in the morning until 1:00 in the afternoon?

A. No, sir, I didn't say that.

Q. What did you say?

A. I said to the best of my ability and the best of my recollection court started a little earlier than usual I believe around 9:00 and let out about 1:00 or maybe a little later. I'm not positive of the exact time. I know it didn't [fol. 4400] go like this court here.

Q. That is your best recollection?

A. As far as length of court, yes, sir.

Q. Have you finished your whole answer?

A. Yes, sir.

Q. Is there anything else you want to add to your answer?

A. I don't have anything.

Q. You are finished now?

A. It is up to you.

Q. Now, may I ask the next question?

A. Yes, sir.

Q. Fine. I haven't curtailed you, have I, in giving your full answer?

The Court: Proceed, Mr. Schiffer.

[fol. 4401] Q. Now, in your prior testimony in this trial did you testify in any respect to the best of your present recollection as you sit here today as to whether you had had any conversation with Mr. Hoffa in reference to Larry Campbell, a defendant in this case, concerning some remarks that you said Mr. Hoffa made about Mr. Campbell having come in to Nashville before the trial commenced?

A. Yes, I believe I remember that.

Q. You testified to that?

A. Yes, sir.

Q. And you were in Nashville from October 22nd on fairly regularly, were you not?

A. Sir, I'd have to look at the records. As best I can recall that is correct.

Q. You mean as you sit here now and after all of your testimony you still don't know that the actual trial commenced on October 22nd of '62.

A. From the records, I said I guess it did.

Q. Now, with regulation to your statement as you stated it by this remark of Mr. Hoffa was it to the effect, as you have testified, before the trial commenced he had had one of his business agents, Larry Campbell, come into Nashville and took care of the colored male juror?

A. To the best I can recall that is correct, sir.

Q. Do you recall now to your best recollection the trial [fol. 4402] commenced October 22nd of '62?

A. It seems that it was, yes.

Q. Well, when you say "it seems it was", I am asking you to tell us from your own memory.

A. Well, sir, looking at the records I am just going by looking at the hotel bills and things, I said that was the first day I was there, the preparation probably was going on for quite awhile.

Q. Well, I'm asking you if the trial began on October 22nd, 1962?

A. Well, I can't swear that's the date that the trial began.

Q. If I show you the records would you be able to tell us when the trial commenced?

A. Be able to tell you what the record said.

Q. I am asking you, would you be able to tell us by looking at the hotel records when the trial commenced?

A. No, sir, I couldn't swear to it. I can't swear that's the day the trial started.

Q. Well, haven't you already testified to Mr. Hooker and to other defense counsel that the trial commenced on October 22nd and that you arrived in Nashville on the day when the trial opened?

A. I don't believe so, I don't think.

Q. You did not?

[fol. 4403] A. If you will let me finish answering you, sir.

Q. Oh, by all means.

A. Thank you, sir. I think I said I think the trial started about then, the records showed I came in. I cannot swear that it actually started that day, they have been picking a jury, they may have been getting prepared for it.

Q. And you specifically remember that you got in there the day the trial started, whatever day it was, is that right?

A. No, sir, I didn't say that.

Q. What is significant about October 22nd, 1962, to you?

A. Because that is the date that I arrived in Nashville, it was showed me, to me in this manner, "Was this the day you arrived," by you and five or six others.

Q. And was that the date the trial started?

A. Sir?

Mr. Neal: Your Honor—

The Court: (Interposing) Sustained.

Mr. Schiffer: I am trying to find out what he means, Your Honor.

The Court: Sustain the objection.

By Mr. Schiffer:

Q. Had you testified already that October 22nd, 1962 was the date the trial started?

[fol. 4404] A. I have never told you I could swear to that date of anything on that, I don't know when it started exactly because—

Q. (Interposing) Would the hotel bill help you?

A. Your Honor, could—, would he let me answer my question?

Q. I am asking you, would the hotel bill assist you?

The Court: I have sustained the objection to that exact question about the date of the trial. The witness answered three or four times what his recollection is in that regard.

By Mr. Schiffer:

Q. You spoke of Mr. Hoffa, you said, and he told you that prior to the trial he had had his business agent, Larry Campbell, come into Nashville and had already taken care of the colored male juror, you testified to that, is that right?

A. Similar to what you said, yes.

Q. All right. Now, I am going to tell you, it's an established fact that October 22nd, 1962, is the day the trial started in Nashville and I am sure the government will consent and agree that is the correct day.

Now, if I tell you that will you accept that as the day the trial started?

A. Not if you tell me, if they tell me, I will.

Q. You don't hear them objecting, do you?

[fol. 4405] A. O.K. Well, bring it on up.

Q. All right. Now, then, the selection of the jury did not begin until October 22nd, 1962, at the commencement of the trial, is that right?

A. I don't—

Q. (Interposing) You knew that.

A. Sir, you won't let me answer you. I don't know when the selection of the jury began, as far as the actual selection of the jury began I can't swear to that.

Q. Well, could you swear to the fact that you know of your own knowledge that when the trial commences formally the first thing that is done is to select a jury, you know that, do you not?

Mr. Neal: Well, Your Honor, I don't even know that because all day Monday, October 22nd, we had pretrial motions.

The Court: All right. Sustain the objection.

Mr. Neal: I don't think that is a proper question to a witness who is not a lawyer, I wouldn't even know how to answer it.

The Court: Sustain the objection.

Mr. Schiffer: Well, maybe we will put Neal on the stand so he can advise, he doesn't know the first thing you do is to select a jury.

A. I know what he is getting at but he is not allowing [fol. 4406] me to answer.

Q. The first thing you know that happens in a trial is the selection of a jury where it's a jury case?

A. I am not an attorney.

Q. You don't know that, do you?
A. I am not an attorney.
Q. I'm not talking about being an attorney.
A. No, sir, I don't know that.
Q. You have never read that in newspapers, have you?
A. Oh, I have read books and things that said they selected one.
Q. Yes. Are you finished?
A. You didn't let me.
Q. Oh, please continue then.
A. O.K. sir, but evidently it's a lot of things go on before trial.
Q. You just heard Mr. Neal say that, didn't you?
A. I don't even look at Mr. Neal because of you, sir.
Q. You heard the remarks he made a little while ago.

The Court: Let's don't argue with the witness, Mr. Schiffer. Proceed.
Mr. Schiffer: I'm not arguing with him.
The Court: Yes you are arguing with the witness and proceed to ask your question.
Mr. Schiffer: I ask him a question whether he heard Mr. [fol. 4407] Neal say the first day the jury was not selected, the first day was motions. I asked the witness did he hear Mr. Neal say that.
The Court: Proceed to the next question, Mr. Schiffer.

By Mr. Schiffer:

Q. You came to Nashville and you were vitally interested, you told us, did you not, about who was going to be on this jury, isn't that correct?
A. I didn't say I was vitally interested in it, they were.
Q. You were vitally interested in carrying stories to Mr. Sheridan, isn't that right?
A. Not stories.

Mr. Neal: We object to this as being repetitious.
Mr. Schiffer: It isn't repetitious.
The Court: Overrule the objection.

By Mr. Schiffer:

Q. You had come to Nashville on something that you had in mind which was connected with the jury that was going to sit on that case.

A. No, sir, I didn't have anything in mind when I came in, just knew what I was looking for.

Q. What did Mr. Grimsley tell you according to your testimony he was interested in in Nashville when you got [fol. 4408] up there in to Nashville concerning the trial?

Mr. Neal: Objection.

The Court: Sustain the objection.

By Mr. Schiffer:

Q. Didn't you testify that you had spoken to Mr. Sheridan in connection with jury tampering?

Mr. Neal: Objection as being repetitious.

The Court: Sustain the objection.

Mr. Schiffer: Well, Your Honor, this curtails the cross examination. Here is a man who makes a statement now in which he says he doesn't know when the jury is selected, he knows nothing about how a jury is selected, when the very purpose of him coming to Nashville is to see about the selection of the jury and now we are being curtailed from examining him on the very purpose which he himself stated was his purpose in coming.

The Court: Proceed on some matters that have not been covered several times.

Mr. Schiffer: Not been covered by me, Your Honor, may have been covered by other counsel and I respectfully urge the Court to permit me to conduct a cross examination on behalf of Parks.

The Court: Cite the Court some authority to that effect.

Mr. Schiffer: We handed a memorandum of law to the [fol. 4409] Court on that very issue, Your Honor, I think it settles the whole issue.

The Court: Sustain the objection.

By Mr. Schiffer:

Q. Now, throw your mind back to October 22nd, 1962, the day you arrived in Nashville. Was there a jury already selected when you got into Nashville?

A. Sir, I don't know whether the jury was selected or not.

Q. When was the jury selected in the Nashville case?

A. Sir, I told you I didn't know exactly when the jury was selected.

Q. How long were you in Nashville before the jury was completed?

A. It wasn't too long.

Q. How long would you say?

A. I said I don't know the exact time.

Q. Well, give us the best approximation of your recollection.

A. I can't.

Q. Of your recollection now.

A. I can't tell you, it wasn't but a few days or a day or two or whatever it would be, it wasn't too long afterwards.

Q. Would you say a week?

[fol. 4410] A. No, I wouldn't think it was a week.

Q. You don't think it was a week?

A. I don't believe it was.

Q. Would you say five days?

A. Sir, I told you I can't answer you with a yes or no, I can't estimate because I wasn't taking down a jury list and who was all on it, and how many they had to go and all of that, I wasn't interested in that.

Q. But you do know, do you not, that on the day you arrived in Nashville and until you went to sleep the first night after you arrived in Nashville the jury had not yet been chosen?

A. I can't swear to it.

Q. You can't swear to that, can you?

A. No, no, I sure can't.

Q. And you haven't spoken about your testimony in this case immediately before you took the witness stand in this case, did you?

A. I haven't been able to even see them.

Q. See nobody?

A. They run, I tried to make a phone call, they get by me like they—

The Court: (Interposing) Let's don't volunteer any information.

By Mr. Schiffer:

[fol. 4411] Q. You didn't speak with Mr. Neal or Mr. Hooker or any other attorney connected with the prosecution about your testimony in this case before you became a witness here in Chattanooga?

A. Oh, yes.

Q. I didn't realize that you had.

Mr. Neal: Well, Your Honor, he has testified to that several times.

Mr. Schiffer: Well, maybe Mr. Neal—

The Court: (Interposing) Proceed.

Mr. Neal: I object.

Mr. Schiffer: Your Honor, I think Mr. Neal should reserve his remarks and any questions he wants, he will have full opportunity for redirect.

The Court: Proceed.

By Mr. Schiffer:

Q. Is it your firm statement as you sit here now as a witness and under oath that you of your own knowledge know as of October 22nd, 1962, that Larry Campbell was in the city of Nashville?

[fol. 4412] A. No, sir, I couldn't swear to that.

Q. You don't know that?

A. No, sir. I can't swear to that.

Q. Did you ever see him in Nashville in October, November, December, 1962, or any time prior to that?

A. I don't remember it if I did.

Q. Would you say you did?

A. I said I don't remember it if I did, sir.

Q. You have no recollection, have you?

A. No, sir, I don't, not as far as seeing him in Nashville, I don't remember ever seeing him in Nashville.

Q. Now, in connection with the statement which you say Mr. Hoffa made to you—

A. (Interposing) Yes.

Q. Specifically in substance what he said to you as you allege, is that he had had Larry Campbell come in before the trial started and I will say fix or took care of, a colored male juror in this case?

A. Yes, it puzzled me how he was going to do it too.

Q. I'm just asking you, is that what you testified to and is that what you are saying now?

A. Yes.

Q. Yes or no?

A. Yes, that is essentially what I am saying, sir.

Q. All right. On that day you testified, did you not that [fol. 4413] you saw Mr. Hoffa that morning when he made this statement, he made this statement to you that morning?

A. You're behind time, sir, no.

Q. No?

A. No.

Q. Wasn't that the date according to these hotel records, the airline tickets, and your records and your memory wasn't that the date you left Nashville?

A. I believe my memory tells me I said around noon, give or take an hour or two.

Q. You left around noon, is that right?

A. No.

Q. Well, you tell us now.

A. You won't let me.

Q. I will let you tell us when you left Nashville that day.

A. When I left Nashville that day?

Q. Yes.

A. I didn't say I left Nashville that day.

Q. Did you testify that after you had this conference with Mr. Hoffa you left Nashville and were going on about your business, some other business?

A. No, sir, you have got the second one mixed up.

Q. Oh, the second one is mixed up?

A. No, you are trying to put the second one in the first [fol. 4414] one.

Q. Did you testify that in one day, in one morning, you spoke with—that in this one morning you spoke with Mr. Hoffa and someone else concerning this statement you attribute to him?

A. What statement?

Q. The one we have just been going over about Larry Campbell having been in before the trial started to take care of the juror.

A. I don't think that happened the first day, sir, the best I can remember.

Q. I didn't say the first time, I'm talking about the date when it occurred, I'm not fixing dates, I'm asking you about events now which you say is the only way you can remember what happened, now, I'm asking you, sir, on the basis of your prior testimony tell this Court and jury limiting yourself to events the day that you say you had this remark with Mr. Hoffa he made this remark, did you speak with anybody else that day about jury tampering?

A. I believe I said I spoke to Mr. King prior to that. I'm not sure of what date you are talking about. The closest to the event, I believe I had been speaking to him some either prior to it or day after it. I'm not positive but it was being discussed.

Q. Could you tell us now that you are not positive what [fol. 4415] you have testified to this jury happened on a single day when you spoke with Mr. Hoffa who is supposed to have told you what you said but you think that other than a prior occasion later occasion that you spoke with Mr. King?

A. I believe they understand what I am saying, sir. I can't swear to the date.

Q. I'm asking you to answer the question. Now.

A. Well, you made a speech. You didn't ask me a question.

Mr. Schiffer: Your Honor, I move for direction of this witness, he wants to become imaginative and if the Court permits it, I don't know how we can cross examine.

The Court: Do not argue with counsel. Listen to the question and answer it.

Mr. Neal: Your Honor, could we have the question read back?

The Court: I believe we would save time to restate the question.

By Mr. Schiffer:

Q. Do you now state as you sit here now that it was not the same day that you spoke with Mr. Hoffa and he is supposed to have told you this business about Larry Campbell, that you spoke with King, not that day, but some day before or after, concerning jury tampering?

A. No, sir, I didn't say that.

[fol. 4416] Q. Do you now state that it was the same day?

A. I didn't say that. If you want me to tell you what I said—

Q. (Interposing) I am asking you to answer my question.

A. I can't. You made a statement.

Q. I am asking you, please follow me, do you say that you did not speak with King the same day about jury tampering that you spoke with Mr. Hoffa where you related he spoke about Larry Campbell?

A. It is possible.

Q. You say it is possible?

A. Yes, it is possible.

Q. Did you testify it did happen an event—

A. (Interposing) Not on that exact date. I don't think I could have tied it down to an exact date.

Q. Did you give any testimony in this court at all about having spoken to Mr. Hoffa during the course of certain hours in the day and that later the same day you spoke with Mr. King about jury tampering and then you left Nashville and went off on an airplane?

A. I believe I spoke to Mr. King prior to it. I'm not positive when it was. I talked to him just about every day or so about something concerning the trial, sometimes pertinent, sometimes it wasn't.

[fol. 4417] Q. All right.

A. Sometimes pertinent and sometimes it wasn't.

Q. And did you testify that a little while ago that you had left Nashville that day somewhere about 12:00 or 12:30?

A. I don't know, sir. I would have to look at the records to see.

Q. I didn't ask you, didn't you just a little while ago say that you left Nashville by air around 12:00 or 12:30?

A. I would have to look at the record, sir. If that is the same record you are speaking of, the hotel.

Q. I'm not speaking of any records, I'm asking you about your testimony this morning, did you not testify a little while ago that you had left Nashville around 12:00 or 12:30 that afternoon?

A. You amaze me. If I can look at the hotel bill I can tell you. That is what I was looking at when I answered you.

Q. Which hotel bill do you want?

A. The one you are speaking of. That you said I testified about. This is the one we were looking at, sir, will you ask me what I said about it? Is that what you want to know?

Q. With reference to the date, final date shown on that hotel bill, which is November 7, did you—

[fol. 4418] A. (Interposing) I said—

Q. (Interposing) Did you not a while ago tell us that you had left Nashville around 12:00 or 12:30 noon?

A. No, you showed me a check-out time. I said that is what it showed.

Q. I'm not asking you that, I'm talking about an answer you gave here within the last five minutes.

A. Whatever is on here is what I said. I can't—it says—

Q. (Interposing) I'm not talking about—

A. (Interposing) You won't let me talk.

Q. No, I want you to answer my question.

A. I can't answer your question the way you are putting it. You are rattling off and you are not letting me say anything.

Q. When Mr. Neal jumps up you answer, you—

A. (Interposing) You ask me, until you ask me a question and—

The Court: (Interposing) Mr. Partin, let's wait and listen to the question and respond.

By Mr. Schiffer:

Q. Now, then, did you not state in the last five minutes here as a witness that you had left Nashville between 12:00 and 12:30 noon that day on November 7th?

[fol. 4419] A. I don't know, sir. I would have to find what you are pointing out here.

Q. Just a minute, would you stop looking at the exhibit and listen to me?

A. Yes, sir.

Q. Did you not testify within the last five minutes that you had taken a plane and left Nashville on November 7, about 12 or 12:30 noon?

A. May I answer you, sir?

Q. I am just asking you, did you so testify?

A. Well, can I answer you without you interrupting?

Q. That is all I want you to answer, answer without a volume.

A. I remember 12:30 or something being mentioned, but it was something you pointed out to me on this bill. But it wasn't anything I recall. That is—you pointed out something to me on this bill. I don't recall.

Q. I am not referring to that, sir.

A. I am.

Q. I am asking you, did you not testify here a little while ago that you had left Nashville by air between 12 and 12:30 noon? Now, that is the only question. Will you answer it, please?

A. I don't remember the exact time that I said on that. I don't even know if I said I left by a plane. We are so [fol. 4420] arguing about this thing here for some reason.

Q. I am not asking you that question. I am asking you did you not testify here within the last five minutes and say to this jury and for this record, that you had left on November 7, 1962, and that you had left Nashville around 12 or 12:30 noon?

A. All I can say is it shows I left November 7.

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[fol. 4424a] By Mr. Schiffer:

Q. That very day then, that very day that you said you had the conversation with Mr. Hoffa in which he said to you about Larry Campbell and a juror, tell us step by step what you have already testified to happened as an event and not by date but the way you say you remember it, what happened the first thing that morning up to the time when you completed the day.

A. On the Campbell incident?

The Court: Yes.

A. Well, the best I can recall, sir, on the thing I was getting ready to leave Nashville and I had been discussing with Mr. Hoffa how the trial looked and so forth and various ones and I said, "It didn't look too good, or something like that."

Q. Pardon me, what time did this conversation take place?

A. It was prior to me getting ready to leave, that's why I was talking to him because I was getting ready to leave.

Q. It was prior to your getting ready to leave Nashville, [fol. 4425] was it?

A. Yes.

Q. All right. Can you fix the time of day that was?

A. I sure didn't, I sure didn't.

Q. I am sorry, I didn't hear you.

A. I said, no, sir.

Q. All right.

A. Okay. So then he called me and nodded his head where I went into his room. He told me not to worry too much that he had the colored juror, male juror, in his pocket, that one of his business agents from Detroit had came in and this is what you are after, prior to the trial, and taken care of the colored male juror, that he was kin to him, that the colored juror was a retired railroad worker, that he could just see him sitting under a tree fishing, not a worry in the world, that he wouldn't take any money but that he wouldn't go against his own people and that they could get a hung jury, the best they could get was a hung jury unless they could get to the foreman and he—in essentially the words is what I am trying to do for you, sir, that a hung jury would be as good as a miss—let's see, a hung trial would be as good as acquittal because they never would try the case again.

That's essentially what I think I said to you, sir.

[fol. 4426] Q. Now, was there court that day?

A. I don't know, sir, I was leaving that day, I don't know whether I left before court, after court or what, I don't think I went to court.

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[fol. 4433] By Mr. Schiffer:

Q. Did you speak with Mr. Sheridan that day?

A. I'm most positive I did because this was one of the events that you are speaking of.

Q. Not, no, positive is—, there are many possibilities. I'm asking you to remember if you are going to testify under oath what really happened, can you say yes or no? That you did or did not speak with Mr. Sheridan before you left Nashville that day?

A. I can't answer yes or no. No, sir, I would guess I did.

Q. Now, I didn't ask you to guess, didn't I just awhile ago caution you, I said tell us.

A. No, sir.

Q. And tell us what you really know, not what you are imagining, and guessing. Do you want to change your prior answer?

A. No. You can ask me anything you want.

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[fol. 4436] By Mr. Schiffer:

Q. You indicated in your testimony that you were not an enemy of the Defendant Mr. Hoffa. Is that right?

A. Yes, sir.

[fol. 4437] Q. That is what you intended to convey?

A. Sir?

Q. That is what you intended to convey?

A. I can explain.

Q. That is what you intended to say?

A. I can explain what I said, sir. I don't want you telling me what I say.

Q. Well, suppose you answer my question for me without giving me historical answers. Didn't you mean to convey to this jury that you were not an enemy of Mr. Hoffa or Mr. Hoffa of yours?

A. Personally, no, sir, union principles I disapprove of some of them.

Q. Now, with union principles you disagree with him, were there any union principles concerned when you testified that you wanted to find out why Mr. Hoffa sold you out and pulled your bond?

A. I said the rumor had been he had. I wanted to ask him about it.

Q. What union principles were involved with your making that remark and I will read it to you. I wanted to— On Page 3577, I wanted to find out why Mr. Hoffa sold me out and pulled my bond.

A. You are reading part of it, sir.

Q. Yes. I'm not going to read you the whole transcript.

[fol. 4438] A. That's right.

Q. And pulled my bond.

A. I can't answer you on the part you read alone.

Q. You weren't angry with him because he pulled your bond, were you?

A. I don't know that he pulled my bond or not, you didn't ask me the whole—

Q. (Interposing) Will you answer the part I put to you and don't you start moving around here like a judge.

A. I said I can't answer yes or no.

The Court: Just a moment.

Mr. Schiffer: I again ask Your Honor to instruct this witness to be responsive.

The Court: Just listen to the question and respond to the question.

By Mr. Schiffer:

Q. Your only disagreement you said with Mr. Hoffa was you said union principles, now what union principles were connected with your statement, I wanted to find out why Mr. Hoffa sold me out and pulled my bond.

A. Sir, that was another part to that you are asking me. I can't answer you on the part you have asked me.

[fol. 4439] I can't say, I can't answer part of the question, sir.

Q. You said your only disagreement with Mr. Hoffa was on union principles, is that correct?

A. I said the only issue you were trying to inject personally.

Q. Just a minute. I am asking you a question, don't start off going in eight different directions. Answer my question.

Did you not say your only differences with Mr. Hoffa had to do with union principles?

A. As far as personal differences.

Q. I am talking about union principles.

A. Union principles? I—

Q. (Interposing) Didn't you say now—

A. (Interposing) I recited them for you, sir, they are in the record, I will be glad to recite them.

Q. I am asking you, did you not testify to this jury that your only differences with Mr. Hoffa had to do with union principles?

A. Not the way you are asking it, sir, I did not.

Q. You did not state that?

A. You are asking part of the question, you are not asking it all.

Q. Would you let me ask the question, please?

[fol. 4440] A. All right.

Q. Now, you want to reverse positions with me and the judge lets you and Mr. Neal gives you a license, well, let's reverse positions.

Mr. Hooker: Now, if your Honor please, this is not only taking up a lot of time, we submit it's entirely improper.

The Court: Sustained. Disregard the statement of counsel.

By Mr. Schiffer:

Q. Didn't you state to this jury in your testimony under oath that the only differences you had with the Defendant Hoffa had to do with your view and his view on union principles?

A. That was a partial statement.

Q. That was a partial statement?

A. Partial.

Q. But that part that I have just related to you is the truth, is it not?

A. You will have to ask me again, you kind of got me confused on what you got, two issues.

Q. I don't want to confuse you, I just want the truth. Have you not testified before this jury that the only differences between you and the Defendant Hoffa were union principles?

[fol. 4441] A. That was part of my answer, that was not all of my answer.

Q. That was part of your answer.

A. That wasn't all of my answer.

Q. I'm not asking you if it was part of your answer or all of your answer, I am only asking—

A. (Interposing) I cannot answer you then, sir, without qualifying it.

Q. Just answer my question.

A. I can't without qualifying it.

Q. We'll get along famously.

A. I say I can't without qualifying it.

Q. My question to you, sir, is did you convey to this jury that your only differences with the Defendant Hoffa had to do with your divergent views of union principles?

A. I cannot answer you without qualifying the answer.

Q. I'd rather you didn't answer then.

A. Good.

Q. Rather than repeating and going over it again.

A. Fine.

Q. So I ask you when you said I wanted to find out why Mr. Hoffa sold me out and pulled my bond, would you tell this jury what big union principles were involved in this situation in view of that statement?

A. I don't know. I tried to answer you and tell you [fol. 4442] why I said that and you wouldn't let me, whoever it was stopped me.

Q. I am asking you to relate to the jury, based upon your own testimony, what big union principles were involved?

A. I can't answer.

Q. When you say you wanted to find out why Mr. Hoffa sold me out and pulled my bond?

A. I can't answer you without qualifying it, sir.

Q. Would you say this, that if Mr. Hoffa had pulled your bond it would have been something which would have been a matter of difference between you and Mr. Hoffa, would it not?

A. He may have had a reason, it might have been a legitimate reason.

Q. I am saying to you, before you ever saw Mr. Hoffa to discuss anything, as soon as someone told you that Mr. Hoffa had pulled your bond you felt antagonistic to him, did you not?

A. I can't answer you without qualifying it, you are putting words in my mouth.

Q. I am asking, did you feel antagonistic when this was told to you?

A. I said I wouldn't know until I checked with him. It could have been personal.

Q. Let me ask you then the other way. Did it cause [fol. 4443] you to have a great undying love for Mr. Hoffa when you heard this?

A. I can't answer you without qualifying it.

Q. You can't answer that?

A. I said without qualifying it to you, sir.

Q. Well, we don't want your qualification.

A. All right. Okay.

Q. We just want an answer to the question.

A. I can't answer you yes or no.

Q. So at this moment you cannot tell this jury whether you, when you stated, "I wanted to find out why Mr. Hoffa sold me out and pulled my bond," that feeling in your consciousness as you sit here now, you can't remember whether you were angry or you loved him?

A. You won't let me tell it, I have tried to.

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[fol. 4481] By Mr. Schiffer:

Q. Mr. Witness, did I understand from your prior information and testimony, that just as soon as an event occurred while you were in Nashville, in October, November, and December it was your practice to call Mr. Sheridan that same day?

A. I would try to, yes, sir, as soon as possible.

Q. As soon as possible, and did you do so on most occasions?

[fol. 4482] A. Any occasion I could reach him, yes, sir.

Q. And drawing your attention to November 7, did you make any disclosure or have any talk of any kind with Mr. Sheridan concerning events of that day?

A. It is possible, sir.

Q. All right, if I show you the hotel bills of that day would that help you refresh your memory?

A. Not as to the exact date, no, sir. I could guess. I'm sure that—

Q. (Interposing) I don't want you to guess.

A. Okay.

Q. If you cannot answer exactly—

A. (Interposing) All right.

Q. Did you ever make a record of anything concerning any event which occurred on November 7, 1962?

A. What kind of a record, sir?

Q. Any kind of a written record?

A. Oh, not written, no, sir.

Q. Did you at any time ever sign any report concerning a fact which may have occurred on November 7th, according to your testimony?

A. I don't remember the exact date, sir. I signed a report that went to the, as I gathered, from the other day, went to the judge.

Q. You signed a report which went to the judge?

[fol. 4483] A. Yes.

Q. Now, you are speaking now of Judge Miller who sat in the court, United States District Court in Nashville?

A. Yes, I believe it was Judge Miller, sir, the one that was—

Q. (Interposing) And was that during October, November, or December 1962?

A. I think it was in December, sir.

Q. And where is that report?

A. I guess it is—I don't know, sir, to be honest with you.

Q. To whom did you give it to?

The Court: Mr. Schiffer, do you not have the report?

Mr. Schiffer: Well, I don't know whether we are referring to the same documents yet, your Honor. May be another document which he is referring to which I should like to receive and make a demand for based upon his testimony.

The Court: All right.

By Mr. Schiffer:

Q. With reference to this report that you signed, to whom did you give it?

A. Mr. Sheridan I believe, sir.

Q. And do you think it was sometime in December that you gave that to him?

[fol. 4484] A. The best that I can recall, yes, sir.

Q. And who was present when you signed this report?

A. I don't believe anyone was, sir. It is possible someone was there but I don't think so.

Q. Wasn't Mr. Sheridan there?

A. Yes, sir.

Q. And was it handwritten or typed, what form was it?

A. It was typed, sir.

Q. And how many pages did it consist of?

A. I'm not positive. I don't think it—it was a short report. It could have been part of another page. The best I can remember it was one page and maybe part of another one, I'm not positive, it wasn't a long document.

Q. And to the best of your recollection only Mr. Sheridan was present at the time you signed it?

A. The best I can recall, sir.

Q. Now, did you swear to that document, the report?

A. I believe I did. I beg your pardon. I believe someone did if I'm not mistaken. It was notarized.

Q. And where was it that you signed this document in Nashville?

A. In Mr. Sheridan's apartment, I believe.

Q. In Mr. Sheridan's apartment?

A. I believe so.

Q. And what date—well, let me withdraw that. This [fol. 4485] report that you swore to, and signed that at Mr. Sheridan's apartment, which you think was one sheet or maybe a sheet and piece of another sheet—

A. (Interposing) It may have been two sheets. It wasn't too long of a document because when I read it, it didn't take long, it didn't take too long.

Q. Now, was that made the same day of the event which you tried to describe in the document?

A. I couldn't swear to that, sir. The date I can't swear to.

Q. I am not speaking of the dates now particularly, I'm saying that your custom was as I understood your testimony as soon as an event be recalled that you wanted to speak to Mr. Sheridan about you usually told him about it soon as you could right after the happening of the event?

A. I don't believe it occurred on the same date. It is my best recollection it didn't.

Q. Now, did it happen day before or week before, how long before did the event happen?

A. I said as to my recollection I couldn't tell you. It wasn't too terrible a long time before that.

Q. Wasn't it what?

A. It wasn't too terrible long before that. I can't be exact on the dates.

Q. As of this time, when you signed and swore to this [fol. 4486] document and the document and gave it to Mr. Sheridan, do you recall whether the jury was already sitting at the trial in Nashville?

A. I believe they were, sir.

Q. Now, did you ever have a conversation with Judge Miller about that document?

A. I don't recall, sir. I don't think so.

Q. That is your best recollection, you do not think so?

A. I don't believe I did, sir, no.

Q. Did you speak with any FBI agent or other investigators concerning that document?

A. It seems like someone either notarized it or something, I'm not positive. I didn't speak to another FBI agent that I know of, no, sir.

Q. Did you ever speak with any FBI agent concerning the contents of that document either before or after you signed it?

A. I don't think so, no, sir. I don't ever remember discussing it with anyone.

Q. Haven't you spoken about it with Mr. Sheridan?

A. Well, I have admitted that, sir.

Q. Do you mean in addition to Mr. Sheridan you have no recollection?

A. I said that I can recall not anyone.

[fol. 4487] Q. Did you speak to Mr. Neal about it?

A. No, sir, I don't believe so.

Q. Did you ever discuss it with Mr. Shaffer?

A. No, sir, I think Mr. Sheridan was the only one take—

Q. (Interposing) Did you ever speak about it with Mr. Durkin?

A. Sir, I've tried to tell you as far as I can remember Mr. Sheridan was the one that I spoke to in regard to the document.

Q. I know you said Mr. Sheridan, but I'm speaking now of government lawyers.

A. I said that is all I can remember, sir.

Q. Well, I'm trying to refresh your memory by specific things.

A. I said I can't recall any others.

Q. Did you ever speak with Mr. Hooker about it?

A. No, sir, I don't think so.

Q. But you are not sure?

A. Well, I'm sure. I don't ever remember being discussed with anyone but Mr. Sheridan so won't be any occasion.

Q. Well, you have discussed this case with Mr. Hooker, haven't you, before you became a witness here?

A. Not concerning—I have admitted that to you, sir, [fol. 4488] as far as—

Q. (Interposing) Well, just answer my question.

A. Will you let me answer you then, Mr. Schiffer? You asked me a question.

The Court: Just a moment, just a moment. Let him answer.

By Mr. Schiffer:

Q. Have you spoken with Mr. Hooker about the case before you became a witness here?

A. Yes, sir.

Q. Yes or not?

A. I can't answer you yes or no.

[fol. 4489] Q. Too difficult for you to say yes or no whether he—

A. (Interposing) Not as far as damage—

The Court: (Interposing) Mr. Schiffer, wait a minute. You changed questions. Let him answer the question.

Mr. Schiffer: I'm trying to make it easier for him.

The Court: You're not making it easier by interrupting. Let him answer.

A. I spoke to Mr. Hooker concerning the case, not the documents.

Q. In other words, in all your conversations with Mr. Hooker before this trial you never saw or discussed with him the documents which you had signed?

A. No, sir, I don't remember ever discussing or ever seeing it any more since I saw it with Mr. Sheridan.

Q. Did Mr. Sheridan indicate to you what he had done with that document after you signed it and gave it to him?

A. No, sir, he didn't tell me what he done with it. I understood they had a hearing or something just from conversation and that the Judge held it, that was just from hearsay, I couldn't swear to what was done with it.

Q. I believe you, a little while ago, stated that it was not a handwritten document, was a typed document, is that correct?

[fol. 4490] A. The one I signed I believe was typed, yes, sir.

Q. Was typed. Now, then you said you thought it was over at Mr. Sheridan's apartment?

A. The best of my recollection it was, sir.

Q. In Nashville. And how long were you in his apartment that time that you signed the document?

A. It wasn't too long, sir, I don't think. I never did stay there—, I don't remember going there only but one specific occasion, it could have been twice or maybe—, but I don't think so, maybe three times.

Q. Was this document already typed when you arrived at his apartment?

A. The best I can remember it was, sir.

Q. When was the first time that Mr. Sheridan spoke with you about the contents of that report which you say you signed?

A. Well, that was the first time that I even knew what it was all about then.

Q. You mean then on the day when you actually physically signed and swore to the contents of the document that was the first time you had spoken with Mr. Sheridan about the contents of the document?

A. No, not about the contents, sir, I said.

Q. Well, I asked you about the contents. When is the first time that you discussed with Mr. Sheridan the contents [fol. 4491] of that document?

A. That would have been over a period of time, I couldn't exactly say what date.

Q. But it was before you saw this typewritten sheet of Mr. Sheridan?

A. Before I signed it I discussed it with him, yes, before and after.

Q. The information which you gave Mr. Sheridan concerning the contents of that document, did you give that to him verbally or did you give him that in writing?

A. Well, sir, I told you I never give him anything in writing.

Q. At the time you gave him this information concerning that particular document, the contents of that document, did he write down in your presence what you told him?

A. Sir, I would imagine he was taking notes, I wasn't looking over his shoulder to see what he was doing, I was—

Q. (Interposing) Well, he was facing you, wasn't he, when he was talking with you?

A. Usually, sir, he would sit down, we wouldn't sit side by side.

Q. And you saw him writing what he wrote you don't know.

[fol. 4492] A. I don't know, as I said, he could have been doodling, I don't know, I have seen him.

Q. Well, did you see him doodling or writing?

A. I didn't see him doing anything that night, sir, on any of the information I gave him you are speaking of.

Q. I am speaking with reference to the contents of that particular document to which you say was signed and sworn to.

A. Sir, I don't know whether he wrote anything down or not because it could have been over a period of time he got it, I don't know how he arrived at what was in the document.

Q. And you don't, at this moment you can't tell us at any rate, whether the information you gave him concerning the contents of that document you had given to Mr. Sheridan at one session or at several sessions?

A. No, sir, I don't imagine it would have been one session, I am not positive of that.

Q. Well, could you give us the best recollection you have, could you throw your mind back on the event itself and tell us whether as to the contents of that report you gave to Mr. Sheridan at one sitting with him or as the result of several conferences with him.

A. I don't think it was too much of conferences only, I don't think it was too much conversation in regard to it, [fol. 4493] sir.

Q. But there was more than one, you say.

A. I couldn't swear to that, sir, it was so many events that I talked to him about that the one I couldn't say, it was more than one, it could have been.

A. It could have been but I am speaking now only with reference to the contents of that one report which you signed and swore to.

A. And I answered you, sir.

Q. Well, I didn't understand your answer.

A. I said I couldn't swear to it.

Q. Now, just a minute.

A. You won't—

Q. (Interposing) Will you tell me to the best of your recollection, and confining the question only to the contents of the report which you say you signed and swore to, now, I am not speaking of the day when you signed it, I am speaking about prior dates as to the dates when you gave the information to Mr. Sheridan concerning what was in this document which you signed, as to that information which you gave to Mr. Sheridan did you give that information in one session with him or two sessions or more?

A. It may have been one call and one talking to him in person, it may have been two phone calls and two talking to him in person, I think the major part would have been [fol. 4494] confined to one conversation, but I couldn't swear to it.

Q. You could not swear to that. Now, were you at any time interviewed by Mr. Sheets or any other FBI agent concerning the contents of that particular affidavit or report, as you call it?

A. Sir?

Q. Which you had signed?

A. I don't know Mr. Sheets—, if you will identify—I don't think I was ever questioned by an FBI agent myself, I don't know who they were, if they were.

Q. Would you say—, are you meaning to imply then, as I understand you, that your only contact with the government has been Mr. Sheridan and Mr. Grimsley here, there, or the other place, but primarily your contact with the government was with Mr. Sheridan?

A. Primarily in regard to the information, yes, primarily.

Q. With Mr. Sheridan?

A. Yes.

Q. Now, it's a fact, is it not, that as of the date when you reported to Mr. Sheridan, as you have testified.

A. Yes, I couldn't hear you. The other counsel, I couldn't understand you, I am sorry. Would you repeat?

Q. Do you have a complaint with the other counsel?

A. No, sir, he was over there distracting or talking and [fol. 4495] I couldn't hear you.

Q. It is a fact, is it not, that when you alleged that Mr. Hoffa made this statement to you about Larry Campbell having been in Nashville before the trial that at that time to which you referred no jury had been impaneled in this trial in Nashville.

A. I am not positive but it seems strange when he told me that I wondered about it.

Q. You wondered about it?

Mr. Neal: Objection, Your Honor, it's repetitious.

Mr. Schiffer: I haven't asked it that I remember.

The Court: It has been asked previously. Proceed.

By Mr. Schiffer:

Q. And you also said that this juror Fields was kin-folk to Larry Campbell, isn't that correct?

Mr. Hooker: We object to that. That has been asked, if Your Honor please.

Mr. Schiffer: Well, I'm trying to lay a foundation to get to another subject and get finished with it, Your Honor, and I will.

The Court: It is repetitious. Proceed.

By Mr. Schiffer:

Q. Will you answer the question?

A. Repeat it for me, sir.

Q. You told Mr. Sheridan when you say you reported to [fol. 4496] him on the incident that Mr. Hoffa said that the juror was kin-folk to Larry Campbell?

A. That is the way it was given to me, sir.

Q. That is the way it was given to you?

A. Yes, sir.

Q. And of your own knowledge do you know whether Larry Campbell and the Juror Fields in fact are kin-folk?

A. No, sir, I do not know.

Q. You don't know that. Did you at any time talk with Mr. Sheridan about Paschal?

A. Oh, sure, yes, I am sure I did.

Q. You are sure you did. What did anyone have to say to you about Mr. Paschal?

A. What do you mean by "anyone", sir?

Q. That you reported to Mr. Sheridan.

A. I mean—, do you mean the government attorney, officials, or the defense or who?

Q. Well, the name is Paschal. What did anybody tell you about Paschal in connection with that case?

A. Well, Mr. King had several conversations with me in regard to Paschal.

Q. You spoke with Mr. King?

A. Oh, yes.

Q. About Paschal?

A. Yes, oh, yes.

[fol. 4497] Q. And is King the only defendant you spoke with about Paschal?

A. No, sir, it was discussed, Mr. Hoffa discussed it several times, I have heard him discuss it.

Q. Now, did Mr. Hoffa indicate to you that he knew Paschal?

A. No, he just said—, the conversation indicated to me, he said he at least would have taken the money so it would have pinned him down or something along the line.

Q. That's not responsive to my question. Did Mr. Hoffa indicate to you that he knew Paschal?

A. Oh, no, sir, not individually, no, sir.

Q. Did you so report to Mr. Sheridan?

A. I don't think I would have reported something he didn't, as far as knowing him, I don't think I said Mr. Hoffa said he knew Paschal.

Q. You never reported that to Mr. Sheridan, did you?

A. I am sure I didn't, sir.

Q. Mr. Sheridan never wrote that down in his notes as having come from you, did he?

A. I can't swear to what Mr. Sheridan done in regard to what he done with what I gave him.

Q. Did you ever speak with Mr. Paschal yourself?

A. I don't know the man, no, sir.

Q. Did you ever?

[fol. 4498] A. If I did I don't know him.

Q. Did you ever speak with Mr. Fields?

A. Not that I know of, sir.

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[fol. 4502] Q. When you appeared before the grand jury in this case and were asked about Mr. Paschal, isn't it a fact that you took the protection of the Fifth Amendment to the Constitution of the United States?

A. Yes, sir.

Q. You did?

A. Yes, sir.

Q. And how many times did you take the protection of the Fifth Amendment of the Constitution of the United States when you appeared as a witness before the grand jury?

A. Sir, I don't recall.

Q. Could you approximate the number of times?

A. It was quite a few but I can't recall.

[fol. 4503] Q. Could you approximate it the number of times?

A. It was quite a few but I can't recall.

Q. You could not approximate it for us?

A. No, sir, because I can't tell how many questions they asked there.

Q. When you came before the grand jury, was it your intention to tell them the truth?

A. Well, Mr. Buffalino told me to take the Fifth.

Q. Just a minute, please be responsive to my question. When you came before the grand jury an oath was administered to you, was it not?

A. Yes, sir.

Q. You raised your right hand and swore on the Bible?
A. Yes, sir.
Q. To tell the truth?
A. Yes, sir.
Q. At the time when you appeared before the grand jury and you were sworn, was it your intention that you would tell them the truth?
A. Anything I told them would be the truth, yes, sir.
Q. Would be the truth, then, they asked you questions and as a result of these specific questions, they put to you, you decided and elected to take the protection of the Fifth Amendment to the Constitution?
[fol. 4504] A. Not until I qualify my answer, Mr. Schiffer.
Q. I'm asking you a question.
A. I cannot answer that.
Q. Did you in response to a subpoena—
A. (Interposing) No, I did not.
Q. Please—

The Court: (Interposing) You may answer and then make any explanation.

[fol. 4505] By Mr. Schiffer:

Q. I'm asking you one question, after you were sworn as a witness, you were questioned, questions were put to you in the Grand Jury, as a witness, and did you under response to these specific questions or any of them invoke the protection of the Fifth Amendment to the Constitution?
A. Yes, sir, I did.
Q. Of the United States?
A. I said I could qualify.
Q. Just a minute.

The Court: Let him finish his answer.
Mr. Schiffer: He never lets me finish the question, Your Honor.
Mr. Neal: Your Honor, the witness is entitled to finish this answer. He has been asked and is definitely entitled to finish.

The Court: Let him finish the question.

The Witness: Because Mr. Buffalino told me prior to going to Nashville he had given me a written statement and then made me copy it off on paper of how to take the Fifth Amendment when I got to Nashville.

By Mr. Schiffer:

Q. Now, when you spoke with Mr. Buffalino you had a conversation with him before he gave you any legal advice, did you not?

[fol. 4506] A. Oh, yes. I guess I did. I showed him the subpoena I had.

Q. Well, you came to him for legal advice, did you not?

A. No, sir, that wasn't the purpose of coming to him.

Q. Oh, you said you had a subpoena but you did not come to him as a lawyer for legal advice?

A. I didn't know him as an attorney. He never practiced what I would call law. They had a house attorney there that I would have went to for legal advice.

Q. October, November, December, 1962, in the city of Nashville this case was going on, you knew that Mr. William Buffalino was an attorney of record for Mr. Hoffa and sat at the counsel table and partook of the trial, every day, isn't that correct?

A. Part of the time, he did, yes.

Q. Well, you knew that, did you not?

A. Yes, sir.

Q. And you knew he was an attorney in October, November and December, 1962, did you not?

A. I wasn't positive.

Q. I am asking you did you not?

A. I said sir he acted part of the time. Part of the time [fol. 4507] he didn't.

Q. Oh, you saw him at the counsel table?

A. Yes.

Q. You saw him getting up and making objections on the record but you didn't know?

A. Oh, yes, sir.

Q. But you didn't know he was an attorney?

A. I said yes but the attorney for the union to get advice was not Mr. Buffalino. They had a house attorney in Washington.

Q. I'm not speaking now of the house attorney or any other attorney, I'm only talking about Mr. Buffalino, Mr. William Buffalino, when you got a subpoena to appear before the Grand Jury, you then went to seek out Mr. Buffalino to speak with him about the paper, the subpoena which had been served upon you, is that correct?

A. I have answered you on that, sir.

Q. Well, I'm asking you, isn't that correct?

A. I didn't seek him out for legal advice. They had told us anyone that got one to let them know.

Q. All right, then you went to see Mr. Buffalino concerning this subpoena?

A. To let him know. I didn't go to see him because I could tell him that on the telephone.

Q. You called him on the telephone?

[fol. 4508] A. I said I could have told him that on the telephone.

Q. I know, but you came to see him personally, didn't you?

A. I didn't go to see him personally, Mr. Schiffer.

Q. I'm saying, didn't you bring him the subpoena to talk with him about the subpoena?

A. Several of them looked at the subpoena.

Q. I'm asking you, sir, when you came to Mr. Buffalino, did you not before this jury—

A. (Interposing) You won't let me answer you, Mr. Schiffer.

Q. If you at least listen to the question and be responsive, is it not a fact that when you received the subpoena to appear before that Grand Jury, you then for whatever reason took the subpoena and met Mr. Buffalino?

A. I can't answer your question like you want it answered without qualifying it.

Q. I just want an answer to the question the way I put it to you.

A. I can't answer you.

Q. My question to you again is, you said you had received a subpoena to appear before the Grand Jury, you did receive such a subpoena, did you not?

A. Yes, sir.

[fol. 4509] Q. Now, when you received this subpoena eventually you did meet with Mr. Buffalino personally, is that true?

The Court: Answer if you did or didn't.

A. Yes, sir, I met with him personally.

Q. All right. And you showed him the subpoena, did you not?

A. I'm sure I did, sir.

Q. Now, as of the date when you saw Mr. Buffalino with this subpoena it was long after you had seen him acting as attorney in the Nashville case, isn't that correct?

A. As I said, sir, part of the time yes, yes, I will do anything to get you happy.

Q. All right. Now, then you had a conference with Mr. Buffalino concerning the subpoena, is that correct?

A. I have answered you unless I am ordered to all I intend to, sir.

The Court: Answer.

Q. You will answer more than you intend to.

A. Beg your pardon?

Q. You will answer more than you intend to.

Mr. Neal: This is—

Mr. Schiffer: (Interposing) He made the statement himself.

By Mr. Schiffer:

Q. Now, in addition to Mr. Buffalino, after you received [fol. 4510] this subpoena and prior to and during the time after you received the subpoena did you speak with Mr. Neal before you went into the Grand Jury session?

A. Sir, I don't recall speaking with Mr. Neal. I think I got up and went directly and I don't believe I did, no, sir.

Q. Did Mr. Sheridan take you into the Grand Jury?

A. No, sir.

Q. Who took you into the Grand Jury?

A. Some attorney that I was told to contact in Nashville.

Q. In Nashville. Did he go into the Grand Jury room with you?

A. No, sir, he took me to the door.

Q. I didn't get your answer, I am sorry.

A. He took me to the door, sir, and waited outside for me.

Q. And you spoke with no government attorney at all before you went into the Grand Jury to testify?

A. I may have called one of them and told them I was there, which I probably did.

Q. Now, who were the government attorneys in the Grand Jury when the questions were put to you?

A. I believe Mr.—what was the name you called off a while ago?

[fol. 4511] Q. Mr. Shaffer was one of them?

A. I believe he was one of them.

Q. Was Mr. Durkin there?

A. I believe he was, sir.

Q. Was Mr. Neal there?

A. I am not positive of Mr. Neal, he could have been.

Q. Did you at any time in Nashville see him working with the Grand Jury?

A. No, sir, I don't believe so, I wasn't there that long, I may have seen him in the hall or somewhere like that.

Q. And did you see any other counsel that you can name as having been in the building and on the floor with the Grand Jury or assisting them in or out of the Grand Jury room who represented the government?

A. I believe there was only two, sir.

Q. Just two?

A. I believe so.

Q. That was before Mr. Shaffer, you said, and Mr. Durkin?

A. The names sound like that was the two, I mean, I don't know them well enough to just say that was the names for sure.

Q. Were you introduced to them in the Grand Jury room as government—were they introduced to you as government counsel?

[fol. 4512] A. I was told, I forget who told me who they were and they told me, I believe they told me who the Grand Jury foreman was.

Q. Had you ever indicated to any government counsel or to Mr. Sheridan or any other official connected with the government that you were going to consult with Mr. Buffalino about your appearance before the Grand Jury pursuant to subpoena?

A. Well, I am sure I let them know I was going there, it was the policy to.

Q. It was the policy?

A. To let them know where I was at, not to consult with them.

Q. So you actually told government counsel that you were going over with this subpoena to consult with Mr. Buffalino about your appearance before the Grand Jury?

A. I didn't say that.

Q. Well, that's how I understood you. My question—then I will rephrase it—did you indicate to any government counsel, to Mr. Sheridan, to any official connected with the government after you had received the subpoena or the day you had received the subpoena, that you were going to see Mr. William Buffalino and consult with him concerning your appearance before the Grand Jury pursuant to that subpoena?

A. I doubt if I went into a conversation as such like that.

[fol. 4513] Q. Did you report to Mr. Sheridan that you had a subpoena and that you were going to see Mr. Buffalino?

A. I don't think I would have said, "I am going to see Mr. Buffalino." I may have said I was going to Washington.

Q. And prior to the date when you received the subpoena had Mr. Sheridan or any government counsel or anybody connected with the government told you to expect a subpoena to appear before the Grand Jury?

A. I don't believe so because I got it at an unexpected place.

Q. I didn't get the final part of the answer.

A. I said I wouldn't say they did because I got it in an unexpected place.

Q. You got the subpoena in an unexpected place, did you say?

A. Yes, sir.

Q. Now, then all of this time that you have testified to up to the time you stepped into the Grand Jury room, whatever name you choose to give it, you were giving information concerning this defendant and the others to Mr. Sheridan, isn't that correct?

A. I wouldn't think—

Q. (Interposing) That's what you testified to?

A. Will you repeat? You interrupted me, sir, I didn't understand.

[fol. 4514] Q. In the year 1962 and into '63, up to the time you appeared before the Federal Grand Jury in Nashville pursuant to subpoena you had been giving information concerning these defendants to Mr. Sheridan, that's what you testified to, is that right?

A. I didn't say that, sir, you said I testified.

Q. Listen to my question.

A. I did, that's why I answered it the way I did.

Q. I'm asking you this question, you have testified here in this case as to your relationship with Sheridan and what you had been telling him, right?

A. I have, sir.

Q. Now, I ask you all during that 1962 and up to the date in 1963 that you appeared before the Grand Jury in Nashville you had been conducting your relationship with Mr. Sheridan, giving him the information which you have related here?

A. I didn't say that, sir.

Q. Do you understand the question?

A. Yes, sir, I understand what you are trying to do.

Q. Do you understand what I am trying to do?

A. Yes, sir.

Q. Please tell me what I am trying to do.

A. You are trying to make me say I gave information after the court—

[fol. 4515] Q. (Interposing) No, I am not at all. Let me disabuse you of that, it's not the purpose at all. I am simply asking you a very simple question. All of the time of 1962 up to the point where you received the subpoena to go into the Grand Jury in Nashville in 1963, according to your testimony, you had the relationship with Mr. Sheridan which you have related on the record here, isn't that correct?

A. Sir, what I related on the record is correct.

[fol. 4516] Q. Well, now, I am asking you and isn't it true that up to the time you appeared before the grand jury and someone had given you this subpoena that you had been up to that point at least getting this information in '62 to Mr. Sheridan?

A. In '62?

Q. Yes.

A. Yes, sir.

Q. Right?

A. Right.

Q. And in '63, whatever the time was when they gave you the subpoena, you remembered what you had told Mr. Sheridan in '62, is that correct?

A. Do what now?

Q. At the time you received the subpoena and you were going into the grand jury room to testify as a witness you remembered everything you told Mr. Sheridan as you have testified to for days in 1962?

A. I probably could have just about like I told you here today.

Q. All right, then—

A. (Interposing) I said I probably could have.

Q. Now, when you went to Mr. Buffalino, as you say, did you go to Mr. Buffalino to inform on him for any reason to Mr. Sheridan?

[fol. 4517] A. To inform on who?

Q. Were you looking to inveigle Mr. Buffalino into making a statement when you came to him as a client and to discuss this subpoena before the grand jury, were you then looking to inveigle Mr. Buffalino into saying something which you could then carry back to Mr. Sheridan?

A. I didn't see anything to get him involved with, sir, I wasn't interested in getting anyone involved.

Q. At no time in your whole career in 1962 you had no interest in seeing anybody get involved in anything?

A. What you are saying, are you trying to make it look like I try to trap someone as such? No.

Q. Well, you used the term, sir, that's you, not me.

A. You are a brilliant teacher.

Q. I may be a brilliant teacher but I have never laid claim to it. I have now seen the expert.

Let me ask you, did you have in your mind a thought that when you went as a supposed client to Mr. Buffalino to get advice on your appearance and testimony before the grand jury in 1963 pursuant to a subpoena issued by the government, did you have a thought in your mind to try to inveigle Mr. Buffalino into making some kind of a statement that you could then report back to Mr. Sheridan or some other official or person connected with the Federal Government?

[fol. 4518] Mr. Neal: Your Honor, I object to the question. The witness has testified that he didn't go to Mr. Buffalino to consult about the subpoena.

The Court: He answered the question.

Mr. Neal: Object to being repetitious.

The Court: I say, he answered the question once just a few moments ago, but state your question.

By Mr. Schiffer:

Q. Now, did anybody take any pains of the government counsel to explain to you what it means when you take the Fifth Amendment protection in the grand jury room?

A. Not the government counsel, the other counsel told me that.

Q. Other counsel. Did they go into depth on explaining the law to you?

A. He just gave me a typewritten sheet.

Q. I am asking you, did anybody take any pains to explain to you what the law was as it applies to the Fifth Amendment to the Constitution of the United States?

A. He just wrote out what he wanted me to say.

Q. I didn't ask you that. Did anybody explain the law itself to you?

A. Oh, no, sir.

Q. As to under what conditions you are permitted to take the protection of the Fifth?

[fol. 4519] A. Well, he said that was a standard form they was using.

Q. I am not talking about a standard form. My question to you is did anybody explain to you the conditions under which a witness before a grand jury is permitted to take the protection of the Fifth Amendment to the Constitution?

Mr. Neal: Your Honor, I object to that. He has asked and answered that.

Mr. Schiffer: I didn't hear an answer to it yet.

The Court: Allow him to answer.

[fol. 4520] Mr. Neal: Your Honor—

The Witness: Sir, the only information I got was what Mr. Buffalino gave to me in writing and made me write it down in my own handwriting so I wouldn't have the copy of it that they could trace back.

By Mr. Schiffer:

Q. I am asking you, did any attorney explain to you the conditions under which the citizen of the United States could invoke the protection of the Fifth Amendment to the Constitution before a Grand Jury?

A. He said that had been researched. I guess he meant he had studied it.

Q. Did you explain to Mr. Buffalino the facts and circumstances under which he then told you as a lawyer you had a right to invoke the protection of the Fifth Amendment?

A. Did I do what, sir?

Q. Did you give him the facts concerning what you had received a subpoena for and upon those facts tell you you had a right to take the Fifth Amendment?

A. He just told me everyone was getting them. Said they had a standard form typed out. Use this.

Q. Would you please be responsive to my question?

A. Sir, I can't answer you the way you want me to.

Q. I want you to answer me the truth if you can.

A. I'm trying to. I said I wrote it out from a copy [fol. 4521] Mr. Buffalino gave me.

Q. I'm not talking about what you wrote out. Please listen to the question. Did you give, when you came in to see Mr. Buffalino, with this subpoena, did you explain to Mr. Buffalino that you had the subpoena, and I understood you did, aside from Mr. Buffalino and including Mr. Buffalino, did any lawyer for the government or for somebody else, but did any lawyer explain to you the law and the conditions under which it is lawful for a witness—

A. (Interposing)

Q. (Interposing) For a witness before a grand jury to invoke for himself the protection of the Fifth Amendment to the constitution of the United States?

A. Not in detail, sir, if that will satisfy you.

Q. When you say not in detail but it was discussed with you, is that so?

A. By Mr. Buffalino, sir.

Q. Then he went into the law of the Fifth Amendment?

A. No, sir, he gave me a typewritten sheet. Said write this down—

Q. (Interposing) I am not talking of typewritten sheet. I'm talking about an explanation of the law to you and until you answer the question I will be asking it I assure you.

A. I can't answer it like you want it answered.

[fol. 4522] Q. You came—, how long were you with Mr. Buffalino at the time you came in and gave him the subpoena? Or showed him the subpoena with which you had been served?

A. Do what?

Q. How long had you been with Mr. Buffalino on that visit with him when you gave him this subpoena and showed him you had received it?

A. Wasn't too long because they were busy that day.

Q. When you say wasn't too long, approximate the time for it.

A. I think he spent ten or fifteen minutes with me just guessing.

Q. Altogether?

A. I said they were pretty busy that day.

Q. And when you were served with the subpoena where were you served with it?

A. On a picket line in Baton Rouge in a cafe.

Q. In a cafe on a picket line in Baton Rouge?

A. Yes, sir.

Q. Was that U. S. Marshal that served it?

A. He showed his credentials. I take it he was.

Q. And he gave you the subpoena?

A. Yes, sir.

Q. How much time was there from the time he served you with the subopena that you had to appear before the [fol. 4523] Grand Jury pursuant to that subpoena?

Mr. Neal: Your Honor, we object to this to be irrelevant to any issue before the jury.

The Court: Overruled.

The Witness: It wasn't too long, sir.

By Mr. Schiffer:

Q. Now, when you say not too long, none of us can understand what you mean; how many days, weeks or months, whatever it was, will you please advise the jury?

A. It wasn't into the months, no, sir, it was in the days.

Q. Matter of days?

A. Yes, sir.

[fol. 4524] Q. Then you said you had to go to Washington to see Mr. Buffalino about it?

A. I didn't. I said to go to Washington to see him about the subpoena.

Q. Why did you see Mr. Buffalino?

A. In Washington, sir.

Q. In Washington?

A. Yes, sir.

Q. So from Baton Rouge I take it you flew to Washington, D. C., and visited with Mr. Buffalino in Washington, D. C., where you had this approximately 15 minutes conference with him about the subpoena, is that right?

A. That's right.

Q. Now—

A. (Interposing) But I—

Q. (Interposing) Aside from Mr. Buffalino—

Mr. Neal: (Interposing) Wait just a moment, now, your Honor, he is entitled to go ahead and answer.

Mr. Schiffer: How much more can he answer than that's right.

The Witness: Because I was going to explain why I didn't have that much time.

By Mr. Schiffer:

Q. We are not interested in that.

A. I know you are not.

[fol. 4525] Q. You said you spent 15 minutes.

The Court: All right, he has answered the question.

By Mr. Schiffer:

Q. Now, then, had you prior to the time you came to Washington and consulted with Mr. Buffalino, spoken either on the telephone or in person with any attorney or

other representative of the government concerning the fact of this subpoena that you were being served with?

A. I couldn't swear to it, but I would be almost sure I spoke to Mr. Sheridan about it.

Q. With Mr. Sheridan, Mr. Sheridan advised you to await the subpoena, is that correct?

A. Do what now?

Q. To await? You are going to be served with a subpoena?

A. I don't remember getting any advice that way.

Q. Well, did Mr. Sheridan indicate whatever way he did, did Mr. Sheridan indicate to you that you would be served with a subpoena for the Grand Jury?

A. Well, I expected to. I mean he wouldn't have had to have told me. I would have expected to be served.

Q. When you said you expected it, had you not in fact received information from Mr. Sheridan that you would be subpoenaed for the Grand Jury?

[fol. 4526] A. Not that I can recall, sir.

Q. Why did you mention Mr. Sheridan a moment ago?

A. Because Mr. Sheridan is the gentleman I had the most contact with, sir.

Q. Is that the only reason you mentioned his name?

A. Well, that would be the only reason I would be talking to him.

Q. So you are saying now that nobody in the government including Mr. Sheridan alerted you to the fact that you were going to be served with a Grand Jury subpoena?

A. I don't think so. I may have asked him was I going to be served or told him I had been served. I don't know whether it was before or after I got it because I certainly expected to be served with a subpoena because I thought I was going to have to tell the information to the Grand Jury that I told to Mr. Sheridan.

Q. And whether it was before or after you did have a conversation with Mr. Sheridan concerning the subpoena

calling for your appearance before the Grand Jury in Nashville?

A. I couldn't swear but I would just guess I would have told him.

Q. You are still guessing about that?

A. Sure, I couldn't swear to it, but I would imagine I would have.

Q. Now, who was present when you came into Washing-
[fol. 4527] ton and spoke with Mr. Buffalino about this subpoena?

A. Present in front of him? When I talked to him?

Q. When you spoke with Mr. Buffalino about the subpoena?

A. I think I was sitting in an anteroom. He come by and told me as I said, real busy until I can tell you what they were doing, I can't tell you why but we wasn't allowed to go in too much. I sat there pretty well all day trying to talk to different people.

Q. Who else was present when you spoke with him and he spoke with you about the subpoena?

A. Mr. Buffalino is the only one I remember. I know that I had seen Mr. O'Brien I believe there. And some gentleman sat there half a day with a briefcase waiting to talk with them. I had sat outside with him.

Q. You state you were there about 15 minutes and then they were too busy?

A. They were real busy.

Q. And were you there half a day, too?

A. I was there quite a bit sitting at least half a day I would guess.

Q. All right, then. Who was present now can you tell us when you spoke with Mr. Buffalino about the subpoena?

A. If you can tell me how many times you want me to answer you I will.

[fol. 4528] Q. I haven't heard you answer it yet.

A. I said I think Mr. Buffalino was by himself.

Q. By himself, you think by himself?

A. That is what I said.

Q. And in what room and in what building did you consult with Mr. Buffalino about this subpoena?

A. International Headquarters.

Q. And in what room were you in in International Headquarters?

A. I believe we had went down to the right from the waiting room. I don't know which room we went into. He talked to me some standing up just as you go in the conference room or room of some kind in there.

Q. Was it his office?

A. It may have been. They have several offices there and they use one another's sometimes.

Q. And so you went in this office with Mr. Buffalino where this conversation took place, can you tell us in that room who else was present besides—

A. (Interposing) I never told you I went into any room, sir.

Mr. Neal: Your Honor, this is repetitive. It is just like talking about who won the World series as far as the issue in this case.

Mr. Schiffer: I still don't know who won it.

[fol. 4523] Mr. Neal: Well, ask him.

The Court: It is quite repetitive. Let's move along.

Mr. Schiffer: He can tell you who killed cock robin.

The Court: Let's move along.

Mr. Hooker: I would object to that but that is the only amusing thing I have heard him say.

Mr. Neal: The first time I knew he had a sense of humor.

By Mr. Schiffer:

Q. Did anybody advise you, any lawyers for the government, that when you were served with a subpoena and you appeared before the Grand Jury actually as a witness, and you were sworn in, that you should take the protection of the Fifth Amendment?

A. No, sir.

Q. No one?

A. Not that I remember ever mentioning it. I think I told them I had been told to take the Fifth Amendment.

Q. Was this in the Grand Jury you said that someone had told you to take the Fifth Amendment?

A. You know better than that, sir.

Q. I'm asking you, I'm trying to understand what you are saying.

[fol. 4530] A. I'm not stupid.

Q. Did you say in the Grand Jury someone told you to take the Fifth Amendment?

A. No, sir, I did not.

Q. You never mentioned Buffalino's name in the Grand Jury, did you?

A. I didn't have opportunity, sir.

Q. Were you asked?

A. I don't know how many questions were asked or what they were all about.

Q. Were you asked any question and was any reference made to Mr. Buffalino in connection with your taking the Fifth?

A. I think they asked me about phone calls I had made on several dates and so forth.

Q. I'm asking you was any question put to you in the Grand Jury in connection with your having spoken to Mr. Buffalino and Mr. Buffalino advising you to take your rights under the Fifth Amendment?

A. Certainly not, sir.

Q. Certainly not. All right. Now, anybody tell you that it is a crime to take the Fifth Amendment in front of the Grand Jury? Let me finish the question, please. Did anybody tell you that it is a federal crime for a witness before a Grand Jury to invoke the protection of the Fifth Amend-

[fol. 4531] ment when in truth and in fact that they are not doing that in a lawful spirit provided by law under which you can take the Fifth?

[fol. 4532] A. I had always—

Mr. Neal: (Interposing) Your Honor, that's no law.
The Court: Sustain the objection.

By Mr. Schiffer:

Q. Did anybody tell you—

Mr. Neal: (Interposing) The witness—

Q. (Interposing) That it would be perjury on your part to invoke the Fifth if you had gone in there by prearrangement with an understanding with someone else to invoke the Fifth when in fact you did not have to invoke the Fifth, that you could give truthful answers to the questions.

Mr. Hooker: That's argumentative, we object to it.
The Court: Sustain the objection.

By Mr. Schiffer:

Q. When you took the Fifth Amendment before the Grand Jury did any government attorney protest to you that you should not take the Fifth Amendment?

A. They talked kind of gruff like.

Q. I couldn't hear you.

A. I said they talked gruff like, they asked quite a few questions.

Q. Who were these attorneys who were asking you the gruff questions?

A. You name them off, I don't know them by name.

[fol. 4533] Q. You said Mr. Shaffer was there and Mr. Durkin was in there, is that right?

A. You said that and I said it sounded about right.

Q. And Mr. Durkin is the attorney who was sitting in this seat alongside the government counsel table here while you have been on the stand, is that correct?

Mr. Neal: Your Honor, we object to that.
Mr. Schiffer: I wanted to identify him.
Mr. Neal: Repetitious.
The Court: Sustain the objection.

Mr. Neal: Irrelevant.
Mr. Schiffer: I wanted to identify him.

By Mr. Schiffer:

Q. Did Mr. Shaffer object to your taking the Fifth?

Mr. Neal: Objection, Your Honor. You have just ruled on it.
The Court: Sustained.
Mr. Schiffer: I didn't hear His Honor rule.
Mr. Neal: If you would listen, Mr. Schiffer, you would hear what the Court ruled up there.
Mr. Schiffer: I hear everything that goes on, Mr. Neal, even your thinking process.

By Mr. Schiffer:

Q. As a matter of fact, witness, isn't it a fact that by prearrangement with the government it was arranged for [fol. 4534] you to take the Fifth so you would not disclose to the Grand Jury certain kinds of testimony?
A. No, sir.
Q. That was not prearranged, was it?
A. No, sir.
Q. And when you appeared before the grand jury did you in fact tell them everything that you are testifying to in this trial?

Mr. Neal: Objection, Your Honor, that has been gone over.
Mr. Schiffer: I haven't asked that on behalf of Mr. Parks or anyone else.
The Court: He can answer.

A. I didn't get an opportunity to, sir.
Q. You didn't get an opportunity?
A. I took the Fifth Amendment.
Q. Didn't there come a time before the Grand Jury when you said, "I know so much more about this case, let me tell it."

A. No, sir, I would have been told by Mr. Buffalino to just go by his instructions, I wouldn't have to worry, I wouldn't be—

Q. (Interposing) You wouldn't have to worry. And so you knew what you have testified to you say here under oath, you kept that from the Grand Jury by taking the [fol. 4535] Fifth Amendment, is that right?

A. Answer the question—, ask the question again.

Mr. Hooker: We object to it as being argumentative.

The Court: Sustain the objection.

Mr. Branstetter: May it please the Court, there's some people at defense counsel table asking for a recess at this time.

The Court: All right. Let's take about a ten minute recess, ladies and gentlemen. Observe the usual instructions. Likewise, Mr. Partin, if you will, observe the instructions.

(Thereupon, at 3:05 p. m. a recess was had.)

[fol. 4536] Marshal Sertel: Be quiet in the courtroom now.

The Court: You may proceed, Mr. Schiffer.

By Mr. Schiffer:

Q. Witness, I show you a document, photostatic copy of a document and ask you whether you can identify it. I withdraw the statement. I show you a paper and ask you whether you can identify it?

A. Yes, that's the document I signed, it looks like.

Q. Pardon me, I didn't get the answer.

A. I said that looks like the document I signed, sir.

Q. Does it bear your signature?

A. Yes, sir.

Mr. Schiffer: Your Honor, we ask leave to admit this document in evidence.

The Court: All right.

Mr. Hooker: No objection, we'd like for the jury to see it.
Mr. Schiffer: Yes, your Honor.
The Court: Yes, they can see it.

(The document referred to above was marked Defendant Parks' Exhibit No. 124 for identification and received in evidence.)

By Mr. Schiffer:

Q. This document now, Exhibit No. 124, is a document you were referring to before as a report, it's actually an [fol. 4537] affidavit, is that right?

A. I have never referred to it as a report, sir.

Q. Well.

A. You did.

Q. Well, at any rate, this is a document you were referring to before in your testimony concerning statements you had made which went into the court file, is that right?

A. I don't quite understand your question. It seems to be that I told you that the information I had given to Mr. Sheridan would have been compiled or put into a document.

Q. Is this the document you meant to refer to?

A. If that was the document you was questioning me on, yes, sir, that is what I understood, sir.

Q. Fine. May we have it passed to the jury, your Honor?

* * * * * * *

[fol. 4544] Q. Now, there is just one point unclear at the moment at least to me. With reference to your trip to Washington, to which you testified, when you spoke with Mr. William Buffalino, concerning the subpoena for Grand Jury, now did you see Mr. Buffalino after talking with Mr. Sheridan about the subpoena or your appearing before the Grand Jury?

A. After I told him I had one, sir?

Q. Yes.

A. I'm almost positive it would have been, I'm not sure, but I'm almost positive it would have been.

Q. And you first spoke to Mr. Sheridan and then you went up to see Mr. Buffalino?

A. I'm sure I would have. I just take it for granted I would have. Ordinarily I would have, yes.

Q. And you said you had received something from Mr. Buffalino and accord—

A. (Interposing) No, sir.

Q. In connection with the words to be used?

A. No, sir.

Q. In taking refuge—

A. (Interposing) No, sir, I didn't say that, Mr. Schiffer.

Q. You said you got some writing from him for some kind—

A. (Interposing) No, sir, I explained it to you how I [fol. 4545] got it.

Q. From Mr. Buffalino?

A. I can tell you, sir, yes.

Q. Yes, would you tell us, please?

A. He had a typewritten sheet. Let me read it. I thought he was going to give it to me. Then he told me to copy it down in my own handwriting in case it got into the wrong hands they wouldn't know where it came from.

Q. And what did you do with the copy you made, did you give that to Mr. Sheridan?

A. I don't think so, no, sir.

Q. Did you give it to any other official of the government?

A. I don't think so. I just told them that I had it. Was told what to do.

Q. Told them that you had it?

A. I told him that—

Q. (Interposing) You told some public official that you had this in your own handwriting?

A. What I told them was Mr. Schiffer, that they had told me to take the Fifth Amendment and written it out for me. That I had to copy it off of what they gave me. I'm sure I told them that.

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[fol. 4559] By Mr. Branstetter:

Q. Now, the first time that you received Mr. Sheridan's telephone number was when Mr. Grimsley gave it to you about the 18th of October, 1962, was that correct?

A. I didn't say that date, sir. I said it was approximately that date.

Q. Yes, sir.

A. The first time I had his number that I can recall.

Q. And the first time that you ever called Mr. Sheridan was when you arrived in Nashville on the 22nd of October, 1962?

A. As far as I can remember, sir. It could have been another time. I don't know.

Q. Now, do you know whether or not in placing your calls to Mr. Sheridan in Washington at his residence, that his residence was in Bethesda, Maryland?

A. It is possible, sir. I don't know for sure. You place it through Washington.

Q. And did you ever have his home telephone number?

A. Yes, sir.

Q. In 1962?

A. Yes, sir.

Q. And had you called him at home in Bethesda, Maryland, through Washington in 1962?

A. I don't believe so, sir. It is possible, but I don't be-
[fol. 4560] lieve so.

• • • • • • •

[fol. 4574] Q. Who did you have your agreement with insofar as the payment of expenses are concerned?

A. I believe Mr. Grimsley was the one that was going to handle it, sir.

Q. Well, now, where and when did you first talk to Mr. Grimsley about handling the expenses?

A. I can't recall the exact time, I think Mr. Sheridan
[fol. 4575] had asked me prior to that did I have any outstanding debts that I had to take care of is the reason I couldn't be gone or something and I am not positive of exactly when that was, sir.

Q. Where were you when Mr. Sheridan asked you about the outstanding debts?

A. I am not sure whether it was in Columbia or prior to Columbia.

Q. Prior to Columbia?

A. It could have been on the telephone, I am not positive of when it was.

Q. You talked to Mr. Grimsley, though, the first time in Baton Rouge, is that correct?

A. As far as I can recall, it may have been New Orleans, I think it was Baton Rouge, I don't think it was New Orleans.

Q. You talked to Mr. Grimsley in Atlanta about your coming to Nashville?

A. I am sure I did, I am not—I can't swear that but I am sure I did.

Q. Well, you talked to him because he gave you Mr. Sheridan's telephone number to call when you arrived in Nashville, isn't that true?

A. I said I thought that was where I got it, sir, I wasn't positive of that.

[fol. 4576] Q. Now, does any of that refresh your recollection as to the time that expenses were discussed with Mr. Grimsley?

A. I would imagine it would be a few days or a week or two weeks prior to the time she got the first check or maybe three weeks.

Q. Well, where would that have been? Could I see those exhibits?

The Court: Just file with the Clerk the exhibits that are not being used, Mr. Officer.

Mr. Branstetter: If you will put those back. Let him look at them.

By Mr. Branstetter:

Q. Now, when you met, was it the Holiday Inn in Baton Rouge that you met with Mr. Grimsley on one occasion and a Mr. Smith?

A. I don't believe I said Mr. Grimsley was there, sir, I don't believe so.

Q. Who was there then?

A. I said I thought it was—

Mr. Neal: (Interposing) We object to it as being repetitious.

The Court: Sustained.

Mr. Branstetter: I think the record shows that insofar as Campbell is concerned his attorney has not asked that question previously.

[fol. 4577] The Court: Yes.

By Mr. Branstetter:

Q. When then was—when was the first time that you met again with Mr. Grimsley?

Mr. Neal: Objection, your Honor, as being repetitious.

The Court: Sustained.

By Mr. Branstetter:

Q. Do you recall whether or not you discussed the payment for expenses or any bills that you had to make that were made with Mr. Grimsley, did you discuss that with him at all?

A. Repeat that, sir.

Q. Did you discuss with Mr. Grimsley at all the payment of your expenses?

A. Now, which expenses are you speaking of, sir?

Q. Any expenses.

A. No, I am sure that I mentioned them to him, yes.

Q. Well, now, where were you when you talked to him about them?

A. Sir, it could have been on the telephone, it could have been any place.

Mr. Silets: Can't hear him, if your Honor please.

The Court: Speak up.

[fol. 4578] By Mr. Branstetter:

Q. Now, you were supposed to pay your wife $300 a month as support for the children, did you say?

A. Yes, sir.

Q. At one time it was $450 a month, wasn't it?

A. No, sir, I was voluntarily paying that, the judge cut it to 300.

Q. The judge did?

A. Yes, sir.

Q. Is there no court order requiring you to pay 450 a month?

A. No.

Q. There was never?

A. Not that I know of, sir, that was a voluntary arrangement I was making.

Q. I will show you one in a minute.

A. Well, I'd like to see it.

Q. But you don't know now when you first discussed the payment of your expenses with Mr. Grimsley?

A. No, sir, I said it could have been on the telephone, it could have been in private, it was several different ways it could have been.

Q. All right. When was the first time you met with Mr. Grimsley?

Mr. Neal: Your Honor, we object as being repetitious.

[fol. 4579] Mr. Branstetter: May it please the Court, it's the only way I can get to this, it's rather important.

Mr. Neal: The witness testified he discussed payment of his expenses.

Mr. Branstetter: I object to counsel making the statement about what the witness has testified to.

The Court: Sustain the objection.

Mr. Branstetter: I am going to insist on this throughout, may it please the Court.

The Court: Sustain the objection.

By Mr. Branstetter:

Q. Is it your statement now that you do not know when you first discussed the payment of expenses with Mr. Grimsley?

A. No, sir, I said it would probably have been a few days or week or weeks ahead of that, I don't know.

[fol. 4580] Q. Well, now, I will hand you here a check dated August 6th, 1963, for $300 made payable to A. Frank Grimsley, Jr., and ask you if you will hold that just a moment, and I will also hand you at the same time a check dated August 13, 1963, drawn on the National Bank of Atlanta, Atlanta, Georgia, payable to Mrs. E. G. Partin, for $300. Actually with reference, has reference on the lower left corner, to Chase Manhattan Bank and I will ask you to look at this, I believe you stated that that is your wife's signature and ask that it be passed to the jury.

A. If it has what, sir?

Q. If it has your wife's signature on the back of it and I would like the two checks or the check made payable to Mr. Grimsley and then the one payable to Mrs. Partin be passed to the jury.

A. I said this looks like her writing.

Q. All right. Thank you.

A. But I can't, sir, you asked me about two of them. I can't speak for Mr. Grimsley.

Q. No, I'm sure of that.

A. Okay.

Mr. Branstetter: Could we have those passed to the jury, please?

The Court: All right.

By Mr. Branstetter:

Q. Now, did Mr. Grimsley tell you that he was going to [fol. 4581] have the money or the checks issued to him and then he would issue one to your wife so that it could be hidden and not determined who was paying what?

A. Sir, I wasn't interested in how they paid it. That was up to them.

Q. All right. I will hand you another check dated July 9, 1963, drawn on the Treasurer of the United States of America, made payable to A. Frank Grimsley, and another check on the First National Bank of Atlanta, dated July 15th for $300, made payable to Mrs. E. G. Partin, and ask you if you will check the one with reference to Mrs. E. G. Partin, and see if that is her signature, see if her address is correctly noted thereon and ask that those two be passed to the jury.

A. The signature looks the same, but I don't know whether it is a nine or four. It looks like a nine. It would be mistaken for a four. 7425 or 7925.

Q. Where did your wife live?

A. She lives here but you asked me about what was on here.

Q. Sorry. She lives where?

A. 7925 Prescott Road.

Q. Does that appear on the back of the check?

A. Sir, I explained to you this is kindly blotted out. It could either be a four or a nine.

[fol. 4582] Q. Appears to be that address?

A. Yes, it does.

Q. Thank you. Now, did Mr. Grimsley tell you on that check that he was going to have a check issued to him from which he could cash or otherwise obtain the money and then give the money to Mrs. Partin in order to hide it?

A. I believe—

Mr. Neal: (Interposing) Your Honor, I object to that. We brought this out on direct. Your Honor, this witness has testified to this matter as to how his expenses incurred on behalf of the government were paid.

Mr. Branstetter: May it please the Court, I object to counsel continually stating what has been testified to here.

Mr. Neal: I object to counsel saying hid and hiding.

Mr. Branstetter: I don't know any other way for doing it this way.

Mr. Neal: You were told another reason for doing it that way if you want me to tell the Court and jury.

The Court: Proceed.

Mr. Branstetter: May it please the Court, I respectfully ask the Court to instruct Mr. Neal to refrain from making such remarks and instruct the jury to disregard it.

[fol. 4583] The Court: Well, the jury will disregard the arguments of counsel.

[fol. 4584] By Mr. Branstetter:

Q. Now, could we pass those to the jury, please? I have here also another check in the amount of $300.00 drawn on the Treasury of the United States of America, Division of Disbursements, made payable to A. Frank Grimsley, in the amount of $300.00 and then two checks made payable to Mrs. E. G. Partin, one in the amount of $150.00, drawn on the same bank as previously. Dated November 14th. And the other one dated November 14th. For $150.00. And I will ask you to look at those, identify them, and then I will ask you a question and ask that they be passed to the jury.

A. Sir, you are asking me to identify correct address and signature? I can't identify the checks?

Q. Well, you have previously said it looked like Mrs. Partin's signature. That is what I'm asking you, the handwriting, is that what you are speaking of?

A. Right.

Q. Right.

A. Yes, sir, that looks the same. It looks like it, yes, sir.

Q. Now, was there any discussion with Mr. Grimsley on the payment of these two separate $150.00 checks as being a part of or the result of monies received from the $300.00 check?

A. I believe sir, on the $150.00 check if I'm not mistaken [fol. 4585] we had a conversation to the effect that I thought I was caught up or this is the time I was fixing to start

paying it again myself or some discussion was mentioned in regard to $150.00 checks.

Q. And that would explain the reason for the two checks in this case?

A. Yes, sir.

Q. Although Mr. Grimsley had received $300.00 for reimbursement to you, you told him you thought you were about caught up at that particular point?

A. As I recall there was some conversation in regard to that.

Q. O. K. If you will, just hold those a moment and I will hand you some more because we can save a little time here maybe.

I will hand you a check or a draft or Treasury disbursement for $300.00 dated September 4, 1963, made payable to A. Frank Grimsley, and two separate checks drawn in the same manner and the same bank in the amount of $150.00 each, dated, well, the original one from the Treasury Department is dated September 4th, the one for $150.00 is dated September 12th, in the amount of $150.00.

And I will ask you if you will, to look at those and make the same determination.

A. I believe they are, sir.

[fol. 4586] Q. Now, I believe you—, is it possible that on this particular occasion, too, that you and Mr. Grimsley had a discussion about whether or not you were about caught up and you were trying to work it out?

A. That was probably the result of the other conversation I had.

Q. And hence, we have two checks to make up the total of the $300.00.

A. I'm just guessing, sir. I didn't pay them. I wouldn't know.

Q. Now, you—, could you look at that and get the date, sorry, I didn't get the date.

A. September 12, and September 27th on these two.

Q. Of what year, please?

A. 1963.

Q. Now, did you state a moment ago that you visited your children once a week or occasionally?

A. Often as I can, sir.

Q. Sure.

A. Try to pick them up every Friday on every other week and on Saturday every other week.

Q. And you've been doing this over some considerable period of time?

A. Quite awhile, sir.

Q. Were you doing it back in September and October [fol. 4587] of 1963?

A. Well, I'm sure with a few occasions I would miss that I would, yes.

Q. Right. And on those occasions, did you see Mrs. Partin from time to time?

A. When?

Q. When you would pick up the children?

A. Oh, yes, I would see her usually when I brought them back because she would be working probably when I picked them up.

Q. And when you would bring them back and see Mrs. Partin did you talk to her about how the children were getting along or how she was getting along or inquire as to their general circumstances?

A. Well, I guess it would be as anyone under the circumstances would be.

Q. One would naturally inquire of their children, wouldn't they?

A. I would have them with me. I wouldn't have to inquire, I would know at the time.

Q. And you would determine, too, whether or not she was receiving monies sufficient to support the children on these occasions?

A. Well, I put it this way, she hadn't complained and that would be unusual. Usually if I got behind a week I [fol. 4588] would have to pay ahead a week. She didn't complain. She was pretty well satisfied.

Q. I bet—, I think I'd better not ask that. You don't think that women just complain, is it because they don't have enough money, is that the only time she complained now?

A. No, sir. No, sir. I would be living with her now if that was the case.

Q. Did you discuss with her on these occasions when you would go pick up the children, whether or not she had received the money that the government of the United States had told you would be paid?

A. I think I hinted around to her because I wanted to be sure she didn't have me up in court for not supporting her and I would try to tiptoe around, to put it that way, because I didn't want her to really know.

Q. Right. She complained a goodly number of times in court about payments of money, hadn't she?

A. I don't know exactly how many times she complained. I have never had—, the children, they have all got bank accounts I gave them so I don't know why they would be complaining too much. She lives in a pretty good house and gets pretty good money to live on.

Q. She was getting this money regular from the government, do you know whether it was stopped or has it stopped [fol. 4589] at this time?

Mr. Neal: Your Honor, I object to that. We turned over all—

Mr. Branstetter: (Interposing) May it please the Court—

Mr. Neal: (Interposing) Made expenses of this man.

The Court: Proceed.

[fol. 4590] Mr. Branstetter: Did counsel say that they turned over all the payments to this man?

Mr. Neal: I said pay for his expenses incurred by this man, payments made at his request in a certain manner.

The Court: Proceed.

Mr. Neal: That is, expenses incurred at our request.

The Court: Well.

Mr. Branstetter: May I ask the Court if counsel is through testifying?

The Court: Let's proceed.

Mr. Branstetter: Could we pass those others to the jury, please? Then I would like to—if he will pass back up these, which I believe are copies of the original copies, checks. I believe these are copies of what the green rather good-looking checks that are passed around there, I believe these are just copies of them so we don't need to pass those around.

By Mr. Branstetter:

Q. Mr. Partin, during October of 1962 were you at that time visiting with your children and seeing your wife from time to time?

A. I would guess so, sir, as I said, I have always got to see them when I could.

Q. Do you know at that time whether or not she was re-
[fol. 4591] ceiving any monies other than the monies you were giving her?

A. Not unless someone, you or someone else was paying her, I don't know.

Q. Well, I think you can rest assured I wasn't, Mr. Partin, some of my tax money may have.

Mr. Neal: Now, your Honor, I object to that. I resent it. We have given all the checks here and I resent his remarks like that and I think that your Honor has certainly instructed me and I want to abide by it but counsel has—

The Court: (Interposing) Both counsel refrain from making remarks about the testimony.

Mr. Schiffer: Pardon me, your Honor, on behalf of the Defendant Parks we move that the remarks made by Mr. Neal be stricken on the ground that—

The Court: (Interposing) I will ask that the remarks of both counsel in that respect be stricken.

Mr. Branstetter: Could we ask that the remark of the witness that unless I was paying her she wasn't getting any be stricken also?

The Court: Yes, sir, I will strike that, too.
Mr. Branstetter: Thank you.
Mr. Hooker: Start over.
The Court: Now, we have a clean slate.

By Mr. Branstetter:

[fol. 4592] Q. Now, in line with these checks, Mr. Partin, did the government furnish you with a W-2 form?

A. Not that I know of, sir, I haven't got any W-2 forms of any kind so far from the union or—

Q. (Interposing) Did the government furnish you with a 1099 form?

A. Not that I know of, sir, I haven't gotten any, as I said, of any kind from any one employer.

Q. Excuse me, go ahead.

A. I said I haven't received any of any description from anyone, including the union, as yet.

Q. Do you have any employees in the union under you that are paid salaries?

A. Yes, sir.

Q. And you furnish them with their W-2 forms?

A. No, sir.

Mr. Hooker: We object to that, these were expenses, wouldn't have been taxes.

The Court: Sustained.

Mr. Branstetter: I think that's a legal conclusion, may it please the Court.

Mr. Neal: They don't furnish me with a W-2 when they pay my expenses.

The Court: Just a moment. Let's proceed. Sustain the objection.

[fol. 4593] By Mr. Branstetter:

Q. Now, Mr. Partin, you have other expenses, do you, at the present time, money due you from the government?

A. Do what now, sir?

Q. Do you have other monies due you from the government at the present time?

A. I think so.

Q. And have you discussed that with Mr. Grimsley also?

A. I think I told him I had some more coming, yes, sir.

Q. When did you talk to him about that?

A. It's possible that whenever that was stopped it was discussed, it could have been discussed before it also.

Q. Do you know why it was stopped? I assume you are referring to the checks that were being issued?

A. Yes, sir.

Q. Do you know why they were stopped?

A. Because I wanted to pick it up again myself, sir.

Q. I am sorry, I didn't understand.

A. I said I wanted to pick it up again myself, sir.

Q. You wanted to pick up what again yourself?

A. The payments.

Q. Oh, you mean you wanted to pick up the payments to your wife?

[fol. 4594] A. I wanted to start paying her myself.

Q. You were not paying her during this particular period of time?

A. No, sir.

Q. Were you on the same salary then that you are on now, with the local union?

A. If I can qualify it I can answer you, sir.

Q. Well, go ahead.

A. I was, yes, sir, but I didn't draw a salary for quite a while. We was in a big strike that the International was supposed to have taken care of and didn't and I had to use money that was part of my salary to help pay them and I had to draw my back salary to make up for the months as the auditor figured out so—

Q. (Interposing) The International mistreated you on that, too, didn't they?

A. Well, I don't know, I don't think so, it could have been a legal interpretation of what they are supposed

to do. They said under the constitution something, that's the excuse they used, I don't know.

Q. So when was this that you didn't draw a salary?

A. Oh, I went for a period of months sometimes without drawing.

Q. Let's take the period of months. Was it the period of the month of September of 1963 when these checks were [fol. 4595] issued, or October?

A. It was nearly two years on and off that I didn't draw a salary, a year and something, I don't know the exact time.

Q. Let's state for the record, was it in October of '63?

A. I stated for the record, you heard what I said, sir.

Q. Well, was it October, 1963?

A. I am not positive, I would have to look at the records and see, I would have to look at the payroll records in the local and see, sir.

Q. Was it any of the last six months of 1963?

A. I said I would have to look at the payroll records to tell you, sir, or either call the auditor, he could probably tell me.

Q. Now, would you remember whether or not you were getting a monthly check or how are you paid, monthly or weekly by the union?

A. Weekly.

Q. Weekly?

A. When I got paid.

Q. Excuse me.

A. When I got paid, weekly.

Q. When you got paid?

[fol. 4596] A. Yes.

Q. Were you getting a weekly check at the same time that your wife was receiving checks from the government?

A. It's possible that I got some back checks but I was so far behind on my other stuff that I had to—, just about impossible to catch up on it.

Q. Did you approach Mr. Grimsely about his making these payments to your wife or did he just voluntarily state to you that he would make these payments?

A. I believe I said before, sir, it was in the occurrence of the time that I would have to be out of town that I was worried about the payments being made to her.

Q. Yes. But did you approach Mr. Grimsley about it then or did he approach you about it?

A. I don't know who mentioned it first, I imagine I mentioned it first that I had an outstanding obligation I was worried about and whether it would be taken care of or not and if I could further qualify the answer, sir, would you allow me to qualify my answer, sir?

Q. I am going to let you try. Go ahead and talk until I stop you.

A. Because at the time I wasn't sure I would get back to Baton Rouge, I wanted to be sure if I didn't get back that she was taken care of where she could eat the next few weeks.

Q. You were very concerned about your wife and children, weren't you?

[fol. 4597] A. I am very concerned about my wife but after three years there's not too much left for you to be concerned about.

Q. But you had continually contributed sufficient funds for them to live on and you just wanted to be sure during that period that they were receiving the funds?

A. I am very fond of my children, yes, sir.

Q. Now, during the period of October, September, October of 1963, were you out of Baton Rouge during that period of time when these checks were being issued?

A. I don't think I was out too much of that time, I could have been, I don't remember, I was out 60 or 70 days on and off somewhere along there that I am not positive of.

Q. Sixty to seventy days?

A. I believe that's what I said.

Q. Could I ask where you were during those 60 or 70 days?

A. It has been asked before but I will be glad to answer it.

Q. Answer.

A. Anywhere I thought I could hide at, I had a friend I could go to they wouldn't know I would be there, usually stayed in some motel from town to town, state to state.

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[fol. 4602] By Mr. Branstetter:

Q. The amount of money that was paid, did that—did you state to the government officials or Mr. Grimsley or others that that was the exact amount owed you?

Mr. Neal: Your Honor, he has asked and answered that. He said still some owing to him.

Mr. Branstetter: Now, may it please the Court—

The Court: (Interposing) I will allow him to answer. Proceed.

The Witness: No, sir. I didn't know the exact amount. I thought it was more and still think it is more.

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[fol. 4603] Q. With reference to pay, what was your agreement? Just state it.

A. Your Honor, he didn't ask me that.

The Court: Tell what was your agreement.

By Mr. Branstetter:

Q. Tell what was your agreement with the government, tell what it was, the agreement.

A. That they would pay the alimony, it isn't alimony, children support, this is my understanding.

Q. Go ahead.

A. On the other expenses I would have incurred if it was over they would give it to me. If it was under I would reimburse it to them, of course. I thought it was more. If they said it was less, if they had the figures, I would reimburse them for it.

Q. Who did you have this agreement with? With whom did you make it?

A. Sir, I think Mr. Grimsley is the main one I talked to about it. I think Mr. Sheridan spoke to me about it.

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[fol. 4623] February 12, 1964

Further cross examination.

By Mr. Branstetter:

Q. Mr. Partin, on yesterday you stated that you were out of Baton Rouge for considerable periods of time, 60 or 70 days, living in hotels, motels, and so forth. Was this in various parts of the United States?

A. Yes, sir.

Q. Was it mostly confined to the Louisiana area?

A. Some of it, not all of it, no, sir.

Q. Over what period of time did this extend?

A. I would say a four-to five-month period, it was over a period of time, it wasn't 60 or 70 days straight.

[fol. 4624] Q. Are you testifying you would be out for a day then you would come back and out for another day, is this the type?

A. Well, sometimes, sometimes I would be gone three or four days, sometimes longer.

Q. During that period of time who was running the union, Local No. 5?

A. Well, they have the Executive Board there and they had Mr. Bennett, the president, Mr. Jones, the assistant business agent, Mr. Pettyclose, assistant business agent.

Q. Were these trips or travels in relationship to what you have been testifying about heretofore?

A. Sir, I wouldn't think they was in relationship to that altogether, no, sir.

Q. Were they partially in relationship to what you have been testifying about?

A. I would—I think you would have to ask someone else, I wasn't told the details of it at all.

Q. Who were you dealing with?

A. Mainly Mr. Sheridan and Mr. Grimsley.

Q. Mr. Grimsley and Mr. Sheridan?

A. Yes, sir, uh-huh.

Q. Were some of these trips during October, November, and December of 1962?

A. I don't believe so, I don't think so. It may have been [fol. 4625] one or two but I don't think so, most of them—it was confined to '63.

Q. How many trips did you make to Washington, D. C., that you speak of?

A. On everything, considering everything?

Q. Yes.

A. I would say maybe two in that period of time.

Q. And each time did you meet Mr. Sheridan and Mr. Grimsley?

A. No, sir.

Q. With whom did you meet those two times?

A. I talked to Mr. Hoffa, I believe, on the other occasion.

Q. In Washington?

A. Yes.

Q. Was that in relation to this trial?

A. No, sir, I don't think it was.

Q. Well, I am interested in the trips that you made with Mr. Sheridan or Mr. Grimsley or the times that you met with them in relationship to this particular testimony that you are giving.

A. I didn't say I had made any trips with them, sir.

Q. Or to meet them?

A. Well, those 60 or 70 days wouldn't have been meeting with them every time, sir.

[fol. 4626] Q. Would it have been meeting with government agents?

A. No, sir. It may have been, frequently I may have seen them but not as a rule, no.

Q. Were these trips for which you were to be reimbursed?

A. That would be the period of time that would be considered in that, those 60 or 70 days, whatever it was, I'm just guessing at the time.

Q. Now, you stated something about—did you say you were hiding out in motels yesterday at one point in your testimony?

A. Sir, I was staying anywhere I could stay, mostly the motels, yes, sir.

Q. Well, did you say that you were hiding out, is that the word you used or did I misunderstand?

A. Well, I will put it this way, I wasn't anxious to be known where I was at, you call it hiding, I wasn't scared but it was just the advice of other people, nothing I was scared of by far.

Q. You are not afraid of anybody or scared of anybody, are you?

A. No, sir, I certainly am not.

Q. Not now and you never have been?

A. Well, I'm not physically scared of any of them, I will put it that way.

[fol. 4627] Q. So you—

A. (Interposing) If I can see them.

Q. You are not stating you are hiding out from fear of someone, are you?

A. Sir, I didn't finish.

Q. Excuse me, go ahead.

A. If I can see them I am not afraid of them physically.

Q. But your hiding out was at the suggestion that somebody might discover you, not that you had any fear?

A. Well, I don't know, sir, you would have to ask them what the reason would have been, I am not—I didn't question the reason, I figured that they knew well enough what they were doing, if it was suggested or even hinted I would have done what they said do.

Q. Sure, you would do whatever Mr. Sheridan or Mr. Grimsley said for you to do, wouldn't you?

A. And a lot of times what the membership told me to do.

Q. Was the membership telling you what to do with reference to the trial in Nashville?

A. No, sir. Oh, they told me I could go up there and visit Mr. Hoffa.

Q. Were they telling you what to do when you were making these various trips, the membership?

[fol. 4628] A. No, sir, they didn't question me about them.

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[fol. 4670] By Mr. Branstetter:

Q. Mr. Partin, I hand you here two separate pieces of paper. I ask you to look at them. See if you can identify them. I don't know whether he can or not. I'm asking him.

A. I don't know what this is.

Q. I will ask you if it would refresh your recollection as to state to you that or ask you if during the—

Mr. Neal: (Interposing) Your Honor, he said he doesn't know what it is. How can his recollection be refreshed?

The Court: Overruled.

By Mr. Branstetter:

[fol. 4671] Q. If these questions and answers are questions and answers that you helped staple together and or distribute in Nashville during the trial of U. S. versus Hoffa and Commercial Carriers? Did you see these papers?

A. I've never remembered seeing these things at all, sir. Looks like you have got an internal problem in the union from the looks of these.

Q. What internal problem?

A. Got questions here about member of the union. Local so-and-so.

Q. Go ahead.

A. How long have you been a member?

Q. Yes.

A. I'm just glancing at what you have got.

Q. Go ahead, what is the internal problem?

The Court: We are not—

Mr. Hooker: (Interposing) We object, may it please the Court.

Mr. Branstetter: May it please the Court, this witness volunteered this.

The Court: Yes, sir, do not read the—, I will not allow you to read the statement in that manner, Mr. Branstetter.

By Mr. Branstetter:

Q. Did you during the trial in Nashville relay informa-
[fol. 4672] tion about questions and answers or discussions or interviewing of witnesses to Mr. Sheridan?

A. I couldn't have done that sir, because I wasn't there when they interview the witnesses.

Q. On or about December 4, 1962, did you talk to Mr. Sheridan and tell him that you had been in a meeting where witnesses were being interviewed and you gave him some of the questions and answers that were discussed in this interviewing session of truck drivers by Mr. Buffalino?

A. Not that I remember because I have never seen the questions and answers to them.

Q. I'm asking you if you told Mr. Sheridan this, that is the question.

A. I said I don't remember. I have never seen questions and answers, whatever you call it.

Q. Did you ever discuss with Mr. Sheridan a list of questions that were to be propounded to prospective witnesses in that case?

A. I don't see how I could, sir. I would have had to make notes if I did. I don't remember anything like that and I didn't make any notes so I certainly couldn't remember answers and questions, and answers and questions, on something I don't remember anything about.

Q. Your testimony is that you did not make such statements then?

[fol. 4673] A. Not that I can recall ever making a statement like that, no, sir.

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[fol. 4694] By Mr. Branstetter:

Q. I just want an answer is all, Mr. Partin. Did you believe that the answers that you might give to the grand jury would incriminate you?

A. I hadn't did anything wrong, I don't know whether I thought that or not, I merely was following the instructions, I never gave it much thought.

Q. You had not did anything wrong, that is your answer?

A. Not that I knew of, I mean if I—I may have, I didn't know I did if I did.

Q. So any testimony you would have given then would not have tended to incriminate you?

A. You made a statement.

Q. I am asking.

A. Well, you made a statement.

Q. Well, would it or would it not?

Mr. Neal: Your Honor, hasn't he answered this question? Can't we move on to something else?

Mr. Branstetter: Not that I—

The Court: (Interposing) Overrule the objection.

A. I was just told by Buffalino what to do, sir, and I followed his instructions.

Q. Were you told by Mr. Sheridan what to do?

A. No, sir.

[fol. 4695] Q. Ever?

A. No, sir, not as far as telling me what to do, no, sir, as far as saying, "You do this."

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[fol. 4701] Q. Had you ever talked to Mr. Shaffer about the information that you had obtained as you were spying on the activities of the headquarters?

A. I don't know whether you call it spying or not.

Q. Well, the information.

A. Call it what you want. I don't think so, I don't believe so.

Q. You had only talked to Mr. Sheridan about that?

A. Mr. Shaffer may have answered the phone but I wouldn't know it was him answering the phone or not when I tried to call Mr. Sheridan.

[fol. 4702] Q. Do you know whether or not Mr. Shaffer then knew—let me ask you this, you signed an affidavit on December 19th, with reference to certain statements as of November 7th, that Mr. Hoffa made, do you recall that? It was handed you yesterday.

A. I remember the statement. I would have to look at the dates.

Q. Do you know—, were you present in the courtroom at any time or have knowledge that the hearings were being had and that this was to be introduced in evidence on the hearings?

A. I didn't question what they were going to do with it. I taken it for granted it was going to the Judge or what—

Q. Go to what? I'm sorry.

A. Go to Judge or someone with authority.

Q. And knew that the Judge there in the case that was being tried that Mr. Shaffer was participating in it, wasn't he? You observed him?

A. I guess he was in the courtroom. He was supposed to have been.

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[fol. 4894] Mr. Branstetter: Also at this time, may it [fol. 4895] please the Court, do I understand that the Witness Partin is remaining here at the direction of the Court because of introduction of this other material?

The Court: Yes, sir.

Mr. Branstetter: Thank you.

The Court: Those were the instructions given. Is that correct, Mr. Marshal? Mr. Partin was requested to remain available?

Marshal Mansfield: Yes, sir, I gave them to him.

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[fol. 4965] February 13, 1964

ANDREW H. MIZELL, a witness previously called by the United States of America, having previously been duly sworn, was examined and testified further as follows:

Further Redirect examination.

By Mr. Neal:

Q. You are the same Mr. Andrew Mizell who appeared the first day of testimony, I believe, aren't you, sir?

A. That is correct, sir.

Q. You are the clerk of the United States District Court for the Middle District of Tennessee at Nashville, Tennessee?

A. That's right.

Q. And you had such capacity in October, November, and December, 1962?

A. I did.

Q. Is that correct?

A. Yes, sir.

[fol. 4966] Q. Now, sir, it has been testified that beginning October 22, 1962 in the trial at Nashville, Tennessee in the United States District Court in Nashville, Tennessee, entitled United States of America versus James R. Hoffa and Commercial Carriers, Incorporated, did you attend the trial of that case?

A. I did, sir.

Q. And did you observe the defendant on trial in that case?

A. I did.

Q. How many defendants were on trial?

A. One.

Q. Do you see that man in court today?

A. Yes, sir.

Q. Would you point him out?

A. Mr. Hoffa.

Q. Let the record show he is pointing out the Defendant Hoffa. Now, sir, how many Negro jurors were there on the

jury trying that Hoffa case in Nashville in the Fall of 1962?

Mr. Haggerty: We object to it as being irrelevant, incompetent and immaterial.

The Court: Overrule the objection.

The Witness: One.

By Mr. Neal:

Q. One?

[fol. 4967] A. Yes, sir.

Q. One Negro male juror?

A. That's right.

Q. Do you know his name?

A. Yes, sir.

Q. What was his name?

A. Gratin Fields.

Q. Gratin Fields?

A. That's right.

Mr. Branstetter: May it please the Court, we object to this evidence on the basis that this witness' testimony is not the best evidence. The best evidence would be the records of the Court and we call upon government to produce them because they will then show when he came on the jury and other related matters this witness could not testify to.

The Court: Overrule the objection.

By Mr. Neal:

Q. Mr. Mizell—

Mr. Branstetter: (Interposing) Of course, we take an exception because we call for the best evidence.

The Court: Now, would the records in any way reflect this matter, Mr. Branstetter?

Mr. Branstetter: This is what we would like for the government to show.

[fol. 4968] Mr. Neal: Of course, there is no record that I know of, Your Honor—

Mr. Branstetter: (Interposing) I object to counsel testifying.

The Court: Overrule the objection.

By Mr. Neal:

Q. Mr. Mizell, when was Mr. Gratin Fields on any published list as of what date?

A. First or second of October.

Mr. Branstetter: May it please the Court, the best evidence would be the published list and we object to it.

The Court: Sustain that objection.

Mr. Neal: Would Your Honor indulge us just a moment. Indulge us just a moment, Your Honor.

By Mr. Neal:

Q. Mr. Mizell, you said the trial started on October 22, 1962, do you remember approximately what day the jury was finally picked and sworn?

Mr. Branstetter: We object to that, may it please the Court, I believe the record would show that also.

The Court: Sustained.

Mr. Neal: We ask that this be marked for identification.

The Clerk: This will be No. 147, Your Honor.

[fol. 4969] (Document referred to above was marked for identification as Exhibit No. 147.)

Mr. Neal: Your Honor, I believe the witness when he was here before had his records here and testified with respect to when the Grand Jury—, the petit jury was finally sworn. Now if the Court thinks it necessary we will bring in the—, very well. We ask that this be marked.

(Document referred to above was marked for identification as Exhibit No. 148.)

By Mr. Neal:

Q. Mr. Mizell, would you look at Government's Exhibit No. 147, sir, and I will ask you if that is a copy of the records in your file?

A. Yes, it is.

Q. And what is that, sir?

Mr. Branstetter: Could we see it, please?

Mr. Haggerty: I would like to see it, may it please the Court.

Mr. Neal: Could we just identify it first without going into the contents?

By Mr. Neal:

Q. Tell us what it is.

A. It is the—, shows the three panels, regular panels, Jury No. 1, No. 2 and No. 3, that was selected for the [fol. 4970] October term and the first—, on the second day of October.

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[fol. 4984] By Mr. Neal:

Q. Before you do that, Mr. Mizell, do you know when this was issued? Approximately when it was issued or made public?

A. The first or second week—

Mr. Haggerty: (Interposing) I object to approximately, may it please the Court.

The Court: Sustain the objection.

By Mr. Neal:

Q. Well, can you tell us within a day or two when it was made?

[fol. 4985] Mr. Haggerty: I object to that, your Honor.

Mr. Schiffer: I object to it.

The Court: Sustained.

By Mr. Neal:

Q. Do you know when it was published, sir?

Mr. Haggerty: Publishing is not the test. It would be the circulation or its availability.

By Mr. Neal:

Q. Do you know when it was made public, sir?

Mr. Haggerty: He has already testified.

Mr. Branstetter: I believe, may it please the Court, the witness said he did not know the date and then the writing was put on the top of it.

The Court: I will allow him to answer if he knows.

By Mr. Neal:

Q. Do you know, Mr. Mizell?

A. My personal knowledge, again, of course, that is not admissible, I know one of two days but I do not—

Q. (Interposing) Give us the one. Do you know one or the other of two days?

A. Yes, sir.

Mr. Schiffer: Objected to, your Honor. This is the clerk recorder. He holds the records. He is the custodian of the records. The witness has been here before, and he testified. [fol. 4986] Mr. Neal has had at least about three weeks to procure the necessary records the way they should have been presented here and we certainly don't want an expert like Mr. Mizell, the Clerk of the Court, to testify by guesswork. These are vital issues in this case. We want specific dates. We believe we are entitled to them.

The Court: Overrule the objection.

By Mr. Neal:

Q. Either one or the other date, give either one or the other.

A. It would be either the 1st or 2nd of October, 1962.

Q. First or 2nd of October, 1962?

A. That's right.

Q. Now, sir, did the Judge in selecting the jury go down that list?

Mr. Branstetter: Now—

The Witness: (Interposing) What is the question, sir?

By Mr. Neal:

Q. Were the jurors called to the box and examined in that order, sir?

A. That's correct. Yes.

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[fol. 4989] By Mr. Neal:

Q. Mr. Mizell, you were engaged in the selection process for the last trial, were you not, sir?

A. Yes, I was.

Q. Calling off names?

A. Yes.

Q. Now, did you hear Mr. Schiffer a while ago talking about drawing by lot?

A. Yes.

Q. Did they draw by lot to pick this jury? Or did they [fol. 4990] take these in the order that they appear on here? Were they called in the order they appear in here?

A. Yes.

Q. I see. So, then, if No. 1 was Mrs. J. B. Brannum and No. 2 Mr. E. P. Horn, you know after you called Mrs. Brannum, Mr. E. P. Horn would be called next, is that right, sir?

A. Yes, sir.

Mr. Neal: May I read this now, your Honor?

Mr. Schiffer: No, your Honor, may we ask a preliminary question? I want the confusion eliminated here. I should

like to ask a couple of preliminary questions to Mr. Mizell to clarify it before the jury has this read to them.

The Court: All right, I will permit you to do so.

By Mr. Schiffer:

Q. Mr. Mizell, I just want to clarify a point. I wonder if you would help us. There is this list of the jurors who actually sat on the case as the jurors chosen who took their oath to sit as jurors. My question directed to you is that these names until the 25th or the termination of the 25th of October, 1962, actually until they were sworn nobody knew with any certainty that these would be the 12 jurors in the box to sit on that case, is that not true?

A. On the case—no, sir, no, sir, that is true.

[fol. 4991] Q. Isn't that true?

A. Yes.

Q. So that until the 25th of October and until each and every juror was sworn in as a juror, nobody could say whether those would be the 12 people to try this case until they were sworn?

A. That's right.

Q. And during the course of selecting the 12 persons for the jury is it a fact that those names were drawn at random or by lot from two or three hundred names that you had impaneled as the prospective panel of jurors?

A. No, sir.

The Court: Now, aren't we getting into strictly cross examination?

Mr. Schiffer: Your Honor, I think one question will clarify it. Need not be any cross.

The Court: All right.

The Witness: May I, Mr. Schiffer, your Honor, I believe there is some confusion actually as to what this list really is, if I may make the statement.

The Court: Well, just respond to the questions.

By Mr. Schiffer:

Q. I am just asking these questions for the selection of the 12. In other words, is this entirely correct, sir, so the jury understands your answer more and me, that the [fol. 4992] twelve persons who actually sat as jurors in the case were not finally selected and sworn until the termination of the 25th day of October, according to your records, and that the twelve persons who actually sat, whose names are listed as of the 25th of October, were drawn, not in any sequence, but that while names were drawn, challenges were made to different jurors as they took their places in the box. Is that correct?

[fol. 4993] The Witness: No, sir, not exactly, not as you state.

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[fol. 4994] By Mr. Neal:

Q. The names were called off in the order they appear here beginning with one through twelve. On Jury No. 1 and one through twelve on Jury No. 2 and then one through twelve on Jury No. 3, is that correct?

A. That is correct.

Q. And right down that way, is that correct?

A. Yes, sir.

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[fol. 5061] James C. Tippens, a witness called at the instance of the United States of America, having been previously duly sworn, was recalled and testified further as follows:

Further direct examination.

By Mr. Hooker:

Q. Will you state your full name, please, sir?

[fol. 5062] A. James C. Tippens.

Q. Where do you live, Mr. Tippens?

A. Brentwood, Tennessee.

Q. Is that in Davidson County?

A. Williamson County.

Q. Williamson County. What business are you engaged in?

A. I am in the insurance business.

Q. Where?

A. In Nashville.

Q. Were you subpoenaed for jury duty in the fall of 1962?

A. Yes, I was.

Q. Do you recall when you first reported for jury service?

A. It was around the first week in October, I don't know the exact date.

Q. Were you later called as a juror in any particular case?

A. No, I was—I was on the panel but I never participated in any trial.

Q. Well, I understand, but were you seated on the jury, in the jury box in connection with any particular case?

A. Yes, yes, I was.

Q. And what case was that?

[fol. 5063] A. That was the Hoffa case.

Q. In what court?

A. Judge Miller's court.

Q. That's the United States District Court at Nashville?

A. That is right.

Q. Do you remember what day it was that you were first seated in the jury box in that case?

Mr. Silets: Your Honor, does Mr. Hooker mean seated by being sworn in?

Mr. Hooker: No, sir; no, sir.

A. Well, the week before October the 22nd—

Mr. Haggerty: (Interposing) Wait a minute. I think under your Honor's ruling in this case that anything prior

to his being seated, not chosen but seated in the jury box, is incompetent, irrelevant and immaterial.

The Court: Overrule that objection at this time.

A. Judge Miller selected, as I recall, three panels.

Mr. Haggerty: I object to that, may it please the Court.

The Court: Yes, sustain that objection.

Mr. Haggerty: Ask it be stricken.

The Court: Strike that.

By Mr. Hooker:

Q. Well, to get along, do you remember what day it was [fol. 5064] that you were seated in the jury box in connection with the case against the Defendant Hoffa?

A. On the 22nd of October.

Q. The 22nd. Now, did you report—after court adjourned that day, where did you go?

A. I went to my office.

[fol. 5065] Q. Were you back in the court the next day, that is the 23rd?

A. Yes. I reported back on the 23rd.

Q. Do you recall what day of the week that was? It shows on this calendar here, I think? On Tuesday, October 23rd?

A. Yes, sir.

Q. On Tuesday, October 23rd, after the adjournment of Court, had you been sworn in at that time?

A. No.

Q. Where did you go after court adjourned that day?

A. I went back to my office.

Q. Did you have any telephone conversation at your office?

A. Yes, sir.

Q. With whom?

Mr. Branstetter: May it please the Court, I think this is quite leading.

Mr. Berke: And I think this is what the Court has already ruled on, if Your Honor please.

The Court: Overrule the objection. As to whether the fact whether he did or did not have a conversation.

By Mr. Hooker:

Q. I'm not asking you what was said, Mr. Tippens, but did you or not have a telephone conversation?

[fol. 5066] A. Yes, sir, I had a call and I answered the call.

Q. And with whom did you talk?

Mr. Schiffer: Objection.

Mr. Berke: We want to object to that as being immaterial, Your Honor, improper, incompetent.

The Court: Sustained without some foundation.

By Mr. Hooker:

Q. Did you recognize the voice of the person to whom you talked?

A. When I returned the call, I recognized the voice to whom I talked.

Q. Did you have—, what do you mean when you returned the call? How did you get the call?

A. The number was left for me to call.

Q. And after this telephone conversation that you had from your office, what did you then do?

A. I went by to see this party at his request.

Mr. Schiffer: Objected to.

The Court: Overruled.

Mr. Berke: That is objected to, Your Honor.

The Court: Overrule the objection.

By Mr. Hooker:

Q. Who was the party?

A. Mr. Lawrence Medlin.

Q. Was that the same or different party from the one [fol. 5067] that you had talked to over the telephone?

A. That was the same party.

Q. Same party, and where did you see Mr. Lawrence "Red" Medlin?

A. At his place of business.

Mr. Branstetter: May it please the Court, I don't know that he said anything about Lawrence "Red" Medlin.

The Court: Sustain the objection.

By Mr. Hooker:

Q. Did I, what was his full name, Mr. Tippens?

A. Lawrence Medlin.

Q. Does he have a nickname?

A. Nickname was "Red".

Q. "Red", where did you see Mr. Lawrence "Red" Medlin?

A. I saw him at his place of business.

Q. Did you have—, don't state what was said, but did you have a conversation with him?

A. Yes, I did.

Q. Where did that conversation occur?

Mr. Silets: Your Honor, none of this is material to the issues here. And this conversation with Mr. "Red" something or other, I move that it be stricken.

Mr. Branstetter: May it please the Court also I would like to move that it be stricken on the basis that anything that was said was purely hearsay.

[fol. 5068] The Court: Ladies and gentlemen, the testimony of this witness will not be considered by the jury for any purpose as to any defendant other than the Defendant Mr. Hoffa. And it would be considered as to the Defendant Mr. Hoffa only to the extent that it might or might not tend to corroborate the witness Partin as to any alleged statements made to Partin by the defendant Mr. Hoffa. In other words, any testimony of this witness will be con-

sidered by the jury only for that limited purpose, that is, as to whether it does or does not tend to corroborate any testimony of the witness Partin as to what allegedly Mr. Hoffa may have said to Mr. Partin.

It will not be considered for any other purpose and it will not be considered as to any other defendant in the case.

Mr. Berke: If Your Honor please, we respectfully object to the Court instructing the jury that it is applicable to any particular defendant since the Court's ruling that it has some effect as to a certain witness so the Court picking out any one defendant we certainly want to object to that because that is what we consider contrary to the Court's ruling, and contrary to the law.

We respectfully submit that the Court said it might be admitted generally for that purpose, but not that it would apply particularly to any more than one than it would any- [fol. 5069] body else. And we think that the Court should retract that if Your Honor please, because we don't think that is the purpose for which this is being admitted and I think if the Court gives careful consideration that the Court's ruling in this case is not as we understand it.

Of course, we object to it in toto anyway. But I think certainly if Your Honor will reflect and you will see that we're correct in that. That by singling out any particular defendant not that it would make any difference, but we think it is highly prejudicial and should not have been done by the Court.

The Court: Well,—

Mr. Haggerty: (Interposing) May it please the Court, may I supplement Mr. Berke?

The Court: Yes, sir.

Mr. Haggerty: I call Your Honor's attention to the fact that at the time of Your Honor's instructions this witness did not even mention as you did the Defendant Hoffa's name.

The Court: Well, Mr. Haggerty—

Mr. Haggerty: (Interposing) May I finish?

The Court: Yes, sir. Excuse me.

Mr. Haggerty: I say may it please the Court, that your instructions have in fact, however well intended, invaded the province of the jury and at this time having done so I move for a mistrial in behalf of Defendant Hoffa.

[fol. 5070] The Court: Overrule that motion. An objection was made and the Court has given to the jury what it believes to be the proper instruction.

Mr. Hooker: Shall I proceed, Your Honor?

The Court: Yes, sir.

By Mr. Hooker:

Q. Where did the conversation with Mr. Medlin occur, Mr. Tippens?

A. In my automobile.

Q. And where was your automobile?

Mr. Berke: If Your Honor please, now, why would all this be admissible, if Your Honor please? All these side matters instead of coming to the very thing that the Court is going to, all of this is not part of what the Court said would be admissible.

The Court: Overrule the objection.

By Mr. Hooker:

Q. Where was your automobile, Mr. Tippens, when you and Mr. Medlin had the conversation?

A. It was parked at the rear and the side of his business premises.

Q. And have you stated where that was located?

A. Eighth Avenue.

Mr. Berke: Object to that as being immaterial, if Your Honor please.

[fol. 5071] The Court: Overruled.

The Witness: On Eighth Avenue and if I'm not mistaken the number is 812. It is the Rede-Made Sandwich Company.

By Mr. Hooker:

Q. In the city of Nashville?
A. Yes, sir.
Q. About what time of day was it?
A. It was around four o'clock in the afternoon.
Q. Now, after this conversation with Mr. Medlin where did you go then, Mr. Tippens?
A. I went—, I went home.
Q. Went home. On the following day, that would be October 24, did you have a conversation with anybody?
A. Yes.
Q. With whom?

Mr. Haggerty: I object to it as being incompetent irrelevant and immaterial.
The Court: Overrule the objection.
The Witness: I had a conversation with Judge Miller.

By Mr. Hooker:

Q. Where did—

Mr. Silets: (Interposing) Your Honor, I'm going to ask that be stricken because this conversation, of course, [fol. 5072] doesn't have any reference to any defendant so far. There is no testimony concerning that. And in addition to the fact that he did in fact allegedly have a conversation with a judge, lends some additional weight to whatever matters Mr. Hooker is trying to develop here and I object to it and say that the instructions of the Court to the jury cannot adequately protect the defendants in this matter.
The Court: Overrule the objection.
Mr. Berke: If Your Honor please, we want to object to it because the record will show that the Court has definitely ruled that this was not competent and we will be glad to read the Court's ruling into the record.
The Court: Overrule the objection.

By Mr. Hooker:

Q. Where did the conversation with Judge Miller take place?

A. In his office.

Q. Where, where is his office?

A. At the courthouse in Nashville.

Q. United States Courthouse?

A. United States Courthouse.

Q. Is this the same Judge Miller that was presiding over the case in which you were seated in the box?

A. Yes, sir.

Q. All right, Mr. Tippens, tell His Honor and these [fol. 5073] ladies and gentlemen of the jury what you stated to Judge Miller on the morning of October 24, 1962?

Mr. Berke: If Your Honor please, we want to object to this. This is the rankest of hearsay, if Your Honor please. It is asking him to relate a conversation he had with somebody when this witness doesn't know Mr. Hoffa. No proof that this Lawrence "Red" Medlin knows Mr. Hoffa. There is no evidence in the record of any principal-agent. It is strictly hearsay. The type of hearsay the Court has repeatedly for weeks now let out and held to be inadmissible. Now we think this is clearly inadmissible. It has nothing to do with the Defendant Hoffa. In fact, any defendant here. None of the parties were present at the time. It is not a statement made by Mr. Hoffa. It is not a statement made by any agent of Mr. Hoffa's. And we think at this point it is time that the Court ruled that this is hearsay and not admissible.

[fol. 5074] The Court: Well, the witness will be permitted to testify as to his conversation with Mr.—with Judge Miller. He would not be permitted to testify as to what Mr. Medlin may have told him, other than the fact that there was or was not a conversation with Mr. Medlin. Overrule the objection with that limitation.

By Mr. Hooker:

Q. Go ahead and state the conversation with Judge Miller.

Mr. Berke: Just a minute, if your Honor please. I don't know that the witness understood the Court's ruling on this and I think the Court should—

The Witness: (Interposing) I think I understand.

Mr. Berke: Should simply state that he had a conversation. I understand that is now the Court's ruling and not to relate what the conversation was.

The Court: He can report—he can testify as to the fact of having had a conversation.

Mr. Berke: That's right.

The Court: If that is the subject of his testimony. He cannot testify as to the content of what someone else may have told him but he can testify without that as to what he said to Judge Miller. Proceed, gentlemen.

By Mr. Hooker:

Q. All right. Go ahead, Mr. Tippens.

[fol. 5075] A. I went in to Judge Miller's office and told him that I felt that I should be disqualified as a juror due to the fact—

Mr. Silets: (Interposing) Now, your Honor—

Mr. Branstetter: (Interposing) May it please the Court—

Mr. Silets: (Interposing) We are going into his mental processes, your Honor, and that's not competent here.

The Court: Overrule the objection.

A. That I felt like that I could not serve under the conditions that existed in which were namely I had been offered—

Mr. Berke: (Interposing) Just a minute, if your Honor please.

Mr. Neal: Now, your Honor—

Mr. Berke: (Interposing) Just a minute, if your Honor please.

Mr. Neal: That's not the conversation.

Mr. Berke: If your Honor please, I think that I would have the right to state my objection without Mr. Neal continually popping up like he has.

If your Honor please, we think that this is clearly inadmissible. It violates the rules of the Court and the rule that you had in directly permitting him, even if he doesn't [fol. 5076] recite exactly the conversation, it's his conclusion, which is still worse, if your Honor please, as to what had transpired as far as the conversation he had with somebody totally unconnected with Mr. Hoffa, in no way related to Mr. Hoffa, no agent of Mr. Hoffa's.

I am sure this gentleman doesn't know Mr. Hoffa, never heard of him, nor does the other gentleman, Mr. Medlin.

We say this is clearly improper for him to come in and state after the Court has stated that all he can do is go in and say he had a conversation without reciting what Mr. Medlin had said or what he had told him. Now, the Court—if he is permitted to answer it will again violate the Court's rule.

The Court: Ladies and gentlemen, we have problems of admissibility of evidence, as you have certainly learned by now. There are conditions when hearsay statement or statements of what someone else said to a witness are admissible and there are circumstances when such statements are not admissible. There are circumstances when such statements may be admissible just for very limited purposes and for very limited consideration by the jury under circumstances when they may not be admitted generally. The Court, as you recall, has had occasion to instruct you upon several times with regard to hearsay statements or out-of-court statements or statements made by some third party to the witness and as to how and when it may be [fol. 5077] considered by the jury and to that extent, and that is one of the problems that we are faced with at this particular time with this witness' testimony.

Mr. Haggerty: If it please the Court.

The Court: Yes, sir.

Mr. Haggerty: If your Honor please.

The Court: Yes, Mr. Haggerty.

Mr. Haggerty: May it please the Court, I object to your Honor's statement to the jury is highly prejudicial and ask it be stricken and the jury instructed to disregard it.

The Court: All right, ladies and gentlemen, disregard my remarks in that respect.

Mr. Berke: Well, if your Honor please—

The Court: (Interposing) Excuse me, no, sir, it wouldn't be proper for a juror to ask a question, sir.

Mr. Berke: That goes back to the very thing that we have stated to the Court on numerous times that it's idle fancy to believe that by the Court simply stating, "Disregard it,"—

The Court: (Interposing) Well.

Mr. Berke: We think—I am moving for a mistrial now and stating the reason, if your Honor please. It is impossible, humanly impossible, because we contend that the Court does not have that type of an eraser that can erase preju- [fol. 5078] dicial evidence in a record and we say that the evidence is clearly incompetent, it's clearly hearsay, and, of course, we just think—

The Court: (Interposing) Well, overrule your motion for a mistrial.

Mr. Berke: All right.

Mr. Schiffer: May all the defendants in that motion?

The Court: Yes. All the defendants may join in the motion and the motion will be overruled as to all defendants.

Mr. Hooker: Shall I proceed, if your Honor please?

The Court: Yes, you may proceed.

By Mr. Hooker:

Q. Continue, Mr. Tippens, with your answer.

The Court: The witness will not be permitted to testify as to the content of a conversation with some third party. He may tell of the fact of such conversation, if that is pertinent to his testimony, but he cannot tell the content.

A. I told Judge Miller that I felt disqualified to serve on the jury due to the fact that I had been offered a sum of money.

Mr. Berke: That's the content, if your Honor please, that is the content we—

The Court: (Interposing) Sustained.

[fol. 5079] Mr. Berke: We are only objecting because we think the Court has ruled that the content is not proper.

The Court: Sustain the objection as to the content.

Mr. Hooker: You mean—

Mr. Branstetter: (Interposing) May it please the Court, we ask, move that his statement be stricken, and the jury instructed to disregard it.

The Court: Strike the statement as to content.

A. Well, I told Judge Miller that I felt disqualified to serve on the jury, that I had had a conversation with a neighbor that would prejudice my position and service.

Mr. Silets: Your Honor, I move that that be stricken. This is a conclusion on his part that he is stating.

The Court: Overrule that objection.

A. And that that was the sum and substance of what I said to Judge Miller without giving any information other than that I had told him that I felt disqualified, if I am not permitted to say what was the reason.

Q. Don't answer this until His Honor rules on it. Did you state anything to Judge Miller about whether or not there had been any offer made?

Mr. Silets: Objection.

Mr. Haggerty: Object to the question as leading to begin with.

[fol. 5080] Mr. Silets: This whether or not business. We have gone through three weeks of that now, Mr. Hooker is an able and experienced trial lawyer, he knows that when he asks a question he seeks to elicit facts, not whether or not. There may be 14 alternatives and he is putting it in a direct alternative, whether or not such and such happened. He knows that is improper.

Mr. Hooker: I am trying to direct his attention, if your Honor please, without violating your Honor's ruling that he can't tell about a conversation with anybody else.

The Court: Well, overrule the objection.

By Mr. Hooker:

Q. Did you understand the question?

A. Repeat the question, sir.

Q. Did you say anything to Judge Miller about whether or not any sum of money had been offered to you?

A. Yes.

Mr. Branstetter: Now, may it please the Court, there he has done it.

The Court: Sustain the objection.

Mr. Branstetter: Well.

Mr. Silets: Your Honor, I move for a mistrial.

The Court: Overruled.

Mr. Silets: Mr. Hooker knows better than that.

The Court: Overrule the motion.

[fol. 5081] By Mr. Hooker:

Q. Well, was there anything else in your conversation with Judge Miller that you haven't related that does not involve repeating your conversation with somebody else?

A. What I told Judge Miller was that I felt disqualified to serve on the jury and that I did not come there to persecute or prosecute anyone and that that was the purpose of my visit to disqualify myself.

Q. Well, what happened after that, Mr. Tippens?

A. He called a meeting of the lawyers, I suppose.

Mr. Branstetter: Now, may it please the Court, I am sure this witness doesn't know that.

The Court: All right.

A. He told me they were going to have a—

Mr. Branstetter: (Interposing) I object to what he told him, may it please the Court.

The Court: Sustained.

Mr. Haggerty: Ask that that be stricken, if your Honor please.

The Court: Sustained.

A. A conference.

Q. Well, did you continue to serve on the jury?

A. No, sir.

Q. Did you report this conversation that you had with Judge Miller to anybody else later that day?

[fol. 5082] Mr. Branstetter: Now, may it please—

Mr. Hooker: (Interposing) Not what you stated but did you report?

Mr. Haggerty: Incompetent and immaterial under your Honor's ruling.

The Court: Overrule the objection.

Mr. Haggerty: Your Honor ruled that he could as to Judge Miller, no provision was made for anyone else.

The Court: Overrule that objection.

A. That day I talked to Judge Miller did I talk to anyone else?

Q. Yes. And report the conversation?

A. Yes, I talked to Mr. Medlin.

Q. Where?

A. At the barn where he keeps his horses.

Q. Is that anywhere near your place?

A. Yes, it's about a half a mile from my place, it's right on the road that goes in front of my house.

Q. About what time of day was that?

A. That was approximately the same time of day as the previous day, around 4:00 o'clock, somewhere along in there.

Q. Around 4:00 o'clock in the afternoon?

A. Yes, somewhere around that.

Q. On the same day, October 24th, 1962?

[fol. 5083] A. That's the same day I talked to Judge Miller.

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[fol. 5107]

COLLOQUY BETWEEN COURT AND COUNSEL

The Court: Apparently I need to send the attorneys after the officer this time. I have been unable to find the officer.

Gentlemen, as indicated, the Court will limit any further cross examination of Mr. Partin at this time to exhibits introduced into the record subsequent to his appearance on the stand and his being excused following his cross examination, that will mean to any exhibits 134 and following.

Now, there was some indication to one of the court officers that the defendants might not desire to cross examine further on those exhibits. I want to determine that before we proceed.

Mr. Branstetter: I made the statement to the court officer, may it please the Court, that if the Court was ruling that Partin could be further examined only on those matters that had been made exhibits after he testified that I didn't think that there would be any cross examination on those specific items.

The Court: All right.

Mr. Branstetter: I had understood the ruling of the Court to the contrary and I think that the record should show that [fol. 5108] the government has now tendered to us what looks to be five or six hundred exhibits of various sorts, not exhibits, pieces of paper of various sorts that they had subpoenaed and held under subpoena power and kept us from having during the cross examination of Partin and others.

The Court: Well, let's—

Mr. Branstetter: (Interposing) I would say there are 6,000.

The Court: Let's determine first, do I understand then that you do not desire further cross examination upon Exhibits 134 and subsequently?

Mr. Branstetter: I think all counsel will agree that that is true.

The Court: All right. Well, in that event then it will not be necessary to have Mr. Partin brought here this evening.

Mr. Branstetter: We would except to the Court's ruling and could we ask one other matter, a paper was handed to the Court that dealt with the payment of monies to Partin or his wife and we would like to request that that be furnished to the defense counsel under the Jencks Act.

Mr. Silets: The government, in its response, your Honor, to my oral motion stated that there were tendering it to us for inspection and copying but instead they turned it over to the Court.

[fol. 5109] Mr. Neal: Of course, I have no authority to turn over inter-office memorandum of the Department of Justice. If your Honor wants to censure me for saying that, perhaps I shouldn't have said it and I bow my head and take whatever censure the Court wants to give me, but I have no authority to turn over inter-office memorandum to the defense counsel.

Mr. Silets: Well, what I have got here we are saying was signed by the United States Attorney.

The Court: There is no signature to it at all. It appears to be a very brief inter-office memoranda. There is—

Mr. Silets: (Interposing) No, sir, I am talking about the response to my oral motion. The government said they were in fact tendering it to us in this 3-page response signed by the United States Attorney, Mr. Neal, and Mr. Hooker, I guess.

The Court: Well, let's clear this up first. If there is no further cross examination of Mr. Partin in accordance with

the instructions of the Court then I think we should excuse the jury for the afternoon and allow them to depart.

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[fol. 5128] February 14, 1964

Mr. Haggerty: At this time, may it please the Court, [fol. 5129] I ask that the government produce all tape recordings that they have made of telephone messages, tape recordings that they made in Baton Rouge, and the memoranda and records connected with particularly the tape recordings taken on the 18th of October, 1962 by William Daniels and interception of a telephone call. That was in the possession of one Sergeant Pitcher, District Attorney for the Nineteenth Judicial District for the State of Louisiana.

Also, may it please the Court, a tape recording made by Mr. Grimsley or other government agents and that man is identified as Peter Duffy, I believe he is with the FBI, of a tape recording of the conversation between Partin, Mr. Grimsley, Pitcher, in which it was alleged there were two government agents present and also William Daniels.

I ask that they produce those forthwith.

The Court: All right, what does the government have to say in response?

Mr. Neal: Your Honor, under what authority they are asking us to produce those, Your Honor. What authority do they have to call on us for anything like that?

Mr. Silets: Section 3500.

Mr. Neal: Cite the rule.

Mr. Silets: Section 3500 of Title 18. It is a substantially verbatim transcript of a conversation to which the witness had testified to.

[fol. 5130] Mr. Neal: Then, Your Honor, we certainly, we certainly decline under Section 3500 a recorded conversation between the Defendant Hoffa and the witness Partin is certainly not 3500 statement. It is not a statement made by a witness to an agent of the government.

The Court: File a written response to that.

Mr. Neal: We'll file a written response, Your Honor.

Mr. Silets: Your Honor, in the light of the circumstances I would like to have the opportunity to examine Mr. Grimsley to ascertain whether he took any notes of Mr. Partin's conversation or someone under his jurisdiction or authority.

[fol. 5131] The Court: Overrule that request at this time. All right. Are we ready to proceed? If so—

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Mr. Neal: Now, may it please the Court, since the name [fol. 5132] Daniel Maher has been brought up again, do I understand, does defense counsel know that he is still on the stand and he should be looking for that instance or those several instances in which I objected to the Test Fleet case before the question was asked, he was going to respond and I specifically told defense counsel that he was not off of cross examination until he responded in some manner.

The Court: Well, the Court understands—

Mr. Neal: (Interposing) Still waiting for that, Mr. Haggerty.

Mr. Haggerty: Mr. Maher will respond with the Court's permission at 1:30 today.

The Court: I understood that he was going to respond, if he had any response, by noon the day before yesterday.

Mr. Haggerty: Well, there were other matters that came up, your Honor. I had him sitting here an hour and a half while we were engaged in other matters, but he will be here at 1:30 o'clock today.

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[fol. 5135] ALBERT J. GASDOR, a witness called at the instance of the United States of America, being first duly sworn, was examined and testified as follows:

Direct examination.

* * * * * * *

[fol. 5144]

COLLOQUY BETWEEN COURT AND COUNSEL ON MOTION TO DISMISS INDICTMENT

Mr. Berke: If Your Honor please, at this time we have a motion to dismiss the indictment, a very short motion, it reads as follows:

"And now comes the Defendant, James R. Hoffa, by his counsel, and moves that the indictment in the above matter be dismissed since evidence was secured by interceptions and divulgences of telephone recordings between James R. Hoffa and other persons, of which recordings and notes of said conversations and recordings were used by the government in this case contrary to law. Defendant James R. Hoffa demands an immediate hearing on this motion."

The Court will recall that previously all the testimony has been, both through Mr. Partin and Mr. Sheridan, statements by counsel, that there have been no recordings, no interception of telephone messages, even in the argument on survillance the government has assured counsel that no telephone interceptions, no tape recordings of phone conversations were made, yet now at the present time when demand is made on the government for such telephone conversations the government counsel, in spite of everything to the contrary and in spite of the testimony that appears now to be perjured on this point, says that they will not turn over such telephone conversations, that there is no legal basis for turning over such telephone conversations to us and since this is an illegal matter, since it goes to the [fol. 5145] heart of the defense in this case, we are demanding an immediate hearing on this motion. We think we are entitled to it.

The very idea of a Court sitting up here now and listening to all this perjury, statements by counsel that there have been no such recording devices and then at the same time coming up here in a court of justice and saying, "Now, we are not going to turn over those telephone conversations or those tape recordings of the telephone conversations to the defendant. He is not entitled to them."

Now, at some point it certainly should tax the Court's patience to hear things like that going on, something that is strictly illegal. Here the government witness says there have been no tape recordings. Now, we have just learned about this. Now, we have offered to prove it.

The very idea of being lulled into some sense of security that there is no such thing going on there or it hasn't been going on and now it comes to light by admission of government counsel that they have such recordings. We think that the Court, in the inherent power that it has to see that justice is done, not to see that parties get advantage over another, this court has to protect the defendants' rights just as much as it does the government's rights.

Now, how can a court blatantly sit back and say, "Look at this perjured testimony. Am I going to do nothing about [fol. 5146] it?" Here is Partin and Sheridan, government counsel, all of them say there are no tape recordings, no interception of telephone messages. Now, again in the same court they come in and say, "Well, yes, there are but we are not going to produce them. You are not going to make us produce them."

Now, we think is of such vital importance that we are certainly—, I think this certainly should stir the ire of the Court if anything should, if anything in this case has been a blatant hiding of facts, we have asked under the Jencks rule, we have asked for all of these items, which a tape recording would be an identical conversation of whatever it is with this defendant.

They say, "We have turned over everything that would apply under the Jencks act." They say, "There are no telephone conversations."

We think certainly the Court can't sit idly by and let something like this just continue and we file this motion. We would like for the Court to give us an immediate hearing on it.

[fol. 5147] Mr. Neal: Now, your Honor, Mr. Berke has said without any citation that we have said there were no recordings. I would like for him to point out where government counsel has said there are no recordings.

Mr. Schiffer: Well, your Honor—

Mr. Neal: (Interposing) Point to the record.

The Court: Gentlemen, the government will file a response to this motion. File a written response to it on Monday. And let's proceed.

Mr. Berke: If your Honor please, and he asked, and I'm willing to give a statement here where his own witness here, Partin, on the record on Page 3006-A, did he give you any device or listening instrument to assist you in your work? No, sir.

Mr. Neal: Is that a statement there are no recordings?

The Court: Gentlemen, I have heard the motion and I have instructed the government to file a response to it on Monday. Let's proceed with the trial.

Mr. Schiffer: Your Honor, may I at this moment just draw the Court's attention, if I may, that I believe it was during the month of July last year that we appeared before Judge Gray with many, many motions. Now, I filed a motion and asked the government to turn over to the Court and defense all such recordings and to state for the record [fol. 5148] information concerning wire tap information.

Now, the government stood up in open court, U. S. District Court, before Judge Gray in Nashville and warranted to the Court that such things had not happened. And they further warranted to the Court that it did not exist. Judge Gray accepted in good faith what government counsel had committed to the Court that that had not occurred and I say to your Honor if your Honor will refer to the file of those motions and see the government's responses, they then unequivocally in view of today's motion made by Mr.

Haggerty and Mr. Berke, they have unequivocally lied to this Court.

Now, all I can say to your Honor is this, we want due process. If in fact the government has violated the law and it is a crime by federal statute, then your Honor should, I believe, and I suggest to your Honor, take immediate action not alone to produce before this Court the evidence which will sustain their charge, but to hold Mr. Neal and everyone who assisted him in contempt of this Court.

Now, we cannot go on with this travesty of justice, your Honor. I am trying to defend Mr. Parks. I am trying to do it within the rulings laid down by the Supreme Court, the upper courts, the administrative courts, and, of course, the rules of our local district courts.

There is no other way I can present his defenses. Now, your Honor, we come to a very vital point in this case be-
[fol. 5149] cause it would be a waste of time, it would mean nothing to continue with this case because the government did wire tap and make a recording and had a witness take the stand and lie about it knowingly, let him lie to it and not inform the Court that he is lying about it.

Your Honor, what kind of justice is it and how is it now spelled under the administration of Robert Kennedy, and I say to your Honor that despite the fact that the government represented here by the particular individuals who represent the government, and Mr. Parks' rights have to be protected and I can only implore your Honor that inasmuch as what they warranted to the Court turned out not to be true, that we be given an immediate hearing and prevent this travesty from continuing.

Mr. Neal: May it please the Court, I don't want to prolong this thing, but I want to make a reply.

The Court: Mr. Neal, let's proceed with the trial. You will have an opportunity to file a response. We will take that matter up at the appropriate time.

Mr. Neal: May I say one thing, your Honor, it is very difficult to sit over here and be accused of everything by this man right here. I ask your Honor's protection from

someone like that. The government counsel are entitled to it. Now, if he can find one place in the record where we have put on, he has accused us of lying, he accuses us of [fol. 5150] putting on subornative perjury—

The Court: (Interposing) You see, Mr. Neal, if you proceed with that reply, Mr. Schiffer is going to stand up and he is going to want to proceed with it and he wants to have the last word and we are going to carry on this sort of bickering back and forth on some collateral matter, never get down to the trial of this case. This is one of the matters I said yesterday, I appreciate the fact you want to respond and should have the right to respond.

Mr. Neal: Your Honor, I am a Tennessean. I am not used to being called a liar and subornator of perjury. This man has been doing it. I ask to have him point out—

Mr. Schiffer: (Interposing) The Court will refer to the file, we have the proof filed in the Court right here. You signed it, Mr. Neal, I ask the Court to go back to my remarks before Judge Gray, where he said—where he referred to it and I say it did happen.

The Court: Gentlemen, these are matters that we can take up after the case has been tried and the Court will expect to take up some matters after the case has been tried.

Mr. Berke: Your Honor, this is not in the surveillance motion. This is a separate motion dealing with wire tapping and recording.

The Court: Yes, sir, I understand your motion.

Mr. Berke: Does the Court now hold that it will do that [fol. 5151] after the charge to the jury?

The Court: I have held nothing except that the government would file a response to it by Monday. We will consider it further at that time.

At this time let's proceed with this trial. Shouldn't this Court have some authority to proceed with a trial and to limit to some extent this enormous argument in the case upon matters that are collateral to the issues in the case? And I am going to rule at this time that we proceed with this trial.

* * * * * * *

[fol. 5152] The Court: All right, gentlemen. The Court will overrule the defendants' objections to Exhibit No. 149, allowing Exhibit 149 to be filed in the record for identification purposes and will allow the exhibit to be read into the record down to or through line 11 on page 273 of the exhibit.

Mr. Neal: Will you mark that, your Honor, so I don't go beyond that?

The Court: I will draw a line and initial the line. Now, then, ladies and gentlemen, with regard to this exhibit No. 149 to the extent that it may be read into the record, it may be considered by you only as it may or may not tend to corroborate the testimony of the Witness Partin as to any alleged statements made to him by the Defendant Mr. Hoffa. It would be considered for this purpose only and it may not be considered as to any other defendant in this case for any purpose. It will not be considered by you upon [fol. 5153] the issue of the truth or falsity of any statements made therein, but, as I have stated, it may be considered only on the issue as to whether it may or may not tend to corroborate the Witness Partin as to any alleged statements made to him by the Defendant Mr. Hoffa. It will not be considered by you as to any other defendant in this case for any purpose whatsoever.

By Mr. Neal:

Q. To put this in prospective, this what I am going to read are the parts of the conversation in chambers before Judge Miller on the morning on October 24th, 1962, is that correct?

A. That is correct.

Q. And that was before court commenced for the day?

A. Yes.

Q. And this was in the Defendant Hoffa's presence?

A. Yes.

Mr. Berke: If your Honor please, that wouldn't be material, if your Honor please.

The Court: Yes, sustained. Sustain the objection.

Mr. Neal: "Third Day, October 24, 1962.

"Pursuant to adjournment from October 23, 1962, a pretrial conference was held in chambers at 9:00 o'clock, a.m., at which the following persons were present: Osborn, [fol. 5154] Haggerty, Bufalino, Hoffa, Maher, Neal, Shaffer, and Harwell.

"The Court:" Speaking, "I called you in here to report information which came to me just this morning, just as I came to the office.

"Juror No. 7, I believe, Mr. Tippens—is that his name?"

And Mr. Osborn says, "Mr. Tippens would be No. 12."

Mr. Haggerty says, "C. F. Duncan is No. 7."

The Court speaking, "Then it would be No. 12, seated on the far end."

Attorney Osborn says, "That would be Tippens."

Then the Court speaking, "He said after he left court yesterday he went to his office, and a person whom he has known for a long time, a next-door neighbor of his, and apparently a person with whom he has had some business dealings, as well as some social contacts, approached him, and told him that he would like for him to go out in the car, that he wanted to talk with him. He said he thought that was suspicious, but he went on out in the car with him, and this person said that he knew how he could pick up $10,000. Tippens said that he did not understand this, but thought he might be referring to the case.

"He said, 'If he has anything to do with this case, I cannot discuss it with you.'

[fol. 5155] "The person went ahead and said, 'Well, it will be an easy way to pick up $10,000, and it will be paid in $100 bills, that you could get it in $100 bills.'

"He said, 'You are referring to my being a prospective juror in the case.'

"The person said, 'Yes,' and he said, 'I cannot talk to you any further about it.'

"According to Tippens, as he told me this morning, that was the end of the conversation."

* * * * * * *

[fol. 5157]

COLLOQUY BETWEEN COURT AND COUNSEL

Mr. Silets: May it please the Court, my understanding is the government has indicated that they have rested. However, if the Court will recall, by the way, I might add, that we all of the defendants will be filing motions for judgment of acquittal and we want the court to specifically understand that.

But my understanding is also that the court has given leave to the defense or some of them or all if they see fit to cross examine certain of the government's witnesses as part of the government's case in chief. As well as the Court has reserved ruling on the question of whether on a hearing under Campbell versus United States, vis-a-vis Jencks statements, I may examine Mr. Sheridan and Mr. Sheets. And I believe I had also requested although I think the Court has denied my request to examine Mr. Grimsley to ascertain whether the statements made by Mr. Partin through the use of recording devices constitute statements within the meaning of Section 3500.

So what we would like to do right now, Your Honor, is as part of the government's case in chief, and without waiver of our motion for judgment of acquittal which we indicate to the Court we are going to file, to have leave to cross [fol. 5158] examine these several witnesses whose examination was reserved.

The Court: All right.

Mr. Schiffer: Pardon me, are these your papers?

Mr. Silets: Yes, sir.

Mr. Schiffer: Your Honor, we will recall Mr. Walker for a few questions and then Mr. Fields for recross before the close of the government's case.

The Court: All right, do you wish to do that now?

Mr. Schiffer: Yes, sir.

The Court: Let's have them recalled.

Mr. Neal: May it please the Court, before the jury comes in, I had just remembered with respect to the recordings, those were turned over to the Court I believe. I had forgotten and perhaps the Court had forgotten.

The Court: The Court hadn't forgotten anything.

Mr. Neal: Sorry, I had forgotten it. They had been turned over, had been ruled on by the Court. Turned over with all other matters for determination in connection with Jencks statements, and we will file a response. I had forgotten that we had turned them over.

Mr. Berke: Are you talking about the telephone recordings?

Mr. Neal: Yes, sir.

Mr. Berke: If Your Honor please, this is the first we [fol. 5159] had heard of it and we certainly want to challenge that. I think the Court should state, I doubt that the Court has ever seen any telephone recordings.

The Court: All Jencks statements that were turned over to the Court were either made available to the defendants as the Court determined them to be available under the Jencks act or they were filed as sealed exhibits. And they are in the record. Everything that has been turned over to the Court is in the record. And has been made available by the Court to the extent that the Court deemed it to be available and has been sealed to the extent the Court determined it was not available.

Mr. Berke: We are challenging Mr. Neal's statement that the recordings have been filed with the Court. I understood the Court to say that you have not seen any telephone recordings.

The Court: I stated that everything that has been turned over to the Court has been made available to the defendants that was available in the Court's understanding of the law, everything that was not available has been sealed and is a sealed exhibit in the case.

Mr. Silets: May it please the Court, may I inquire so that the record may be clear what exhibit number contains the recording which that Mr. Grimsley made with Mr. Partin at this Holiday Inn, the recording we are talking [fol. 5160] about? Mr. Neal knows what recording that is, which taped telephone conversation, which recording of conversations in the hotel room were taped and submitted to

the Court; I would like for the sake of clarifying the record that we know specifically the exhibit number.

The Court: Well, gentlemen, you will have to go back to the record and see what exhibits were sealed. The record will reflect what exhibits were sealed.

Mr. Branstetter: May it please the Court, also in order that the record will be very clear, it is not only under the Jencks act that these tapes were requested, they were requested to be furnished to counsel as having been matters or material that was obtained in an illegal method. And not just the Jencks statement. And that we should have an opportunity to establish that in the appropriate hearing and also to call Grimsley and others to determine whether or not all of them were turned over.

The Court: All right. May we have—

Mr. Berke: (Interposing) I think I would like to have the sealed Exhibit numbers if he will call them off to us.

The Court: Let's proceed with the examination of the witness and the jury and we will not take this up at this time. We will not hold the jury.

Mr. Branstetter: Could we have a specific ruling by the [fol. 5161] Court that the government's case has not been rested at this point?

The Court: I'm going to permit you, yes, sir, to cross examine the witnesses as Mr. Schiffer has indicated.

[fol. 5162] Mr. Schiffer: We would like to call Mr. Walker at this time, your Honor.

The Court: All right.

* * * * * * *

[fol. 5176] Mr. Berke: If Your Honor please, we would like to recall Mr. Partin because of the state of the record now with respect to a telephone conversation and also the wire tapping, which apparently now has been admitted by the government.

Mr. Neal: Now, the government has not admitted any wire tapping, never.

The Court: All right. Anything further?

Mr. Neal: I ask Mr. Berke to quote the record, cite the record.

The Court: Well.

Mr. Berke: Well, if Your Honor please, I would—

The Court: (Interposing) Is that the basis of your request for further cross examination?

Mr. Berke: Yes, Your Honor, and of course, we also want to go into that because if we are entitled to a wire tapping, either because we are entitled to wire tapping or because we are entitled to it as a Jencks statement, then, of course, that will be a further basis for further cross examination.

Now, Mr. Partin definitely stated that there was no wire tapping. Now, we, of course, have a right to assume, although we knew better, we have a right to assume he was telling the truth. We knew he wasn't but we certainly had a [fol. 5177] right to state that when he says there was no wire tapping that there wasn't any wire tapping.

Now, we state categorically that there was wire tapping and, therefore, if we are entitled to it we are entitled to go into that question now. We certainly haven't been dilatory in it. The Court can literally see where we have been placed off guard by the testimony of Mr. Sheridan and also by the testimony of Mr. Partin and also by the statements of counsel.

The Court: All right. Well, overrule the request for further cross examination of the witness Partin.

Mr. Berke: And it is requested I read into the record Mr. Neal's statement, if Your Honor please, which statement was made apparently during the Nashville trial on record Page—

Mr. Neal: (Interposing) What volume?

Mr. Berke: Judge Gray, excuse me, I wasn't there. Page 70.

Mr. Neal: What volume, what page?

Mr. Berke: July 24th, Page 70. Here is the statement by Mr. Neal, "May it please the Court, the government represents that everyone knows what wire tapping is, and I

am going to use that term, without getting into eavesdropping, monitoring, that sort of thing, I don't know what that means. I do represent to this Court that the contents of [fol. 5178] that envelope contains no information obtained by wire tapping. Now, I think Your Honor is sufficiently definite—, I am making that representation knowing the contents and all they can do, as Your Honor says," and so forth.

Mr. Neal: May Mr. Berke go ahead and read on to say what that envelope was? It's the envelope handed to the judge pursuant to an order here, is that not right, Mr. Berke, is that not right?

Mr. Berke: What is that now?

Mr. Neal: Isn't it true I was speaking of the envelope that was a sealed document in the last case?

Mr. Berke: You can read anything in here. I wasn't there, I was just requested to read this much into the record.

Mr. Neal: Mr. Haggerty was there, ask him to relate to the Court what the contents of the envelope were.

Mr. Berke: When I'm addressing the Court is that proper for counsel, if he has any response, he can certainly read whatever portion he wants.

The Court: Mr. Berke, you have filed a motion in this respect. I will be glad to take the motion up at the appropriate time with regard to the further cross examination of the witness Partin; at this time the Court is of the opinion that that request should be denied.

Mr. Berke: Of course, I am sure the Court is cognizant [fol. 5179] of the fact this matter has just now come to our attention, that it is nothing that we knew at the time Mr. Partin was on the witness stand. We want to be sure that the Court knows that that is a fact and that the Court is basing its ruling with knowledge of that fact.

The Court: Are there any other witnesses now to be examined before we excuse the jury?

Mr. Silets: Well, Your Honor, in the absence of the Jury, of course, I am awaiting the Court's decision on the inquiry

of Mr. Sheridan and Mr. Sheets and renewing my motion to examine Mr. Grimsley.

The Court: Well, of course, those witnesses would have to be examined, in any event, in the absence of the jury.

Mr. Silets: Yes, sir.

The Court: It was a matter of excusing the jury for a term. I am asking if there are any other witnesses to be examined before the jury at this time? In the absence of any response the jury may be excused to report back at 1:30.

Now, then I will allow you to have—, is it Mr. Sheridan—, have Mr. Sheridan called.

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[fol. 5183] WALTER J. SHERIDAN, having been previously called as a witness at the instance of the defendants, and having previously been duly sworn, was recalled to the witness stand and testified further as follows:

Further examination.

By Mr. Silets:

Q. Mr. Sheridan—

The Court: (Interposing) Just a moment. Be at your leisure. Just a moment. All right, Mr. Silets.

By Mr. Silets:

Q. Mr. Sheridan, I would like to ask some preliminary questions. I think I have forgotten what is your title.

A. Special Consultant to the Department of Justice.

Q. Would you speak up, sir, so that at least I can hear you?

A. Sorry. Special Consultant to the Department of Justice.

Q. As I recall your duties had something to do with the Criminal Division of the Department of Justice?

A. Yes, sir.

Q. And, as I recall, did you say what level your position was? Was it the same as an assistant attorney general?

A. No, it wasn't. It is Special Consultant.

[fol. 5184] Q. Is that an investigative position?

A. That is a good question. There is investigation involved in what I do.

Q. Sir, I didn't hear you.

A. I say there is investigation involved in what I have been doing. But investigation is not solely what I've been doing.

Q. But what do you mean by consultant, Mr. Sheridan?

A. Well, I am not a lawyer. And I think the fact that I am not necessitated some kind of special title and that is why I am designated as I am, special consultant.

Q. Yes, but I am trying to get at your special duties—

Mr. Neal: (Interposing) We object as being irrelevant to the purpose of the inquiry.

The Court: Sustain the objection.

By Mr. Silets:

Q. Very well, Mr. Sheridan, you had some duties with respect to the things and matters that were transpiring in 1962 in the months of October, November and December at Nashville; these are the case entitled United States vs. Hoffa and Commercial Carriers; you had some duties with respect to matters that were transpiring then?

A. Yes.

Q. What were they?

[fol. 5185] A. Well, I was there mainly to assist in any way that I could in the presentation of the trial.

Q. Assist whom?

A. Mr. Neal, Mr. Shaffer.

Q. You are not an attorney?

A. Pardon me?

Q. You are not an attorney?

A. No, I am not.

Q. Now, during those occasions that you were assisting Mr. Neal, did you furnish information to him?

A. Yes, sir.

Q. And what were the sources of your information?

Mr. Neal: Your Honor, is this the purpose of inquiry?

The Court: Sustain the objection. The inquiry is with regard to Jencks statements of the Witnesses Fields and Walker.

Mr. Silets: Your Honor, am I restricted to just that? Can't I inquire of the background of this man and his techniques and his efforts and manner in which he operates? I think that permits me to inquire so that I can lay the proper foundation for my questions.

The Court: Proceed.

By Mr. Silets:

Q. Now, during those months you interviewed or had oc-
[fol. 5186] casions to interview individuals that have testified in this case?

A. During October, November and December I had conversations with Mr. Partin, who has testified in this case.

Q. Is that the only witness that you testified—that you interviewed in those months with respect to this case?

A. Do you mean witnesses who have testified in this case?

Q. Yes, sir.

A. As far as I can recall, yes.

Q. Now, specifically, you have interviewed the Witnesses Walker and Fields, have you not?

A. Yes, sir.

Q. Now, on those occasions when you interviewed Mr. Walker or Mr. Fields, did you use any mechanical device to record their conversations?

A. No—

Q. (Interposing) With you?

A. No, sir.

Q. Have you ever used such a mechanical device?

Mr. Neal: Objection to that.

The Court: Sustained.

Mr. Silets: Well, your Honor, I think I am entitled to [fol. 5187] establish whether he has in fact done what he says.

The Court: Sustain the objection.

By Mr. Silets:

Q. At the time that you interviewed these people were other members of the Department of Justice either FBI men or otherwise working under your supervision?

A. Do you mean present during the interview?

Q. No, sir. During the event. The time, chronologically speaking during those times were other persons working under your supervision?

A. Yes, sir.

Q. To your knowledge, were recording devices used by those other persons?

A. In what connection?

Q. Well, in any connection, sir, with respect to this case?

A. Do you mean with—

The Court: (Interposing) Well, now, we are talking about Mr. Walker and Mr. Fields, gentlemen.

Mr. Silets: Yes, sir, I know that, your Honor, but we have other persons who are going to be called or at least one other person is going to be called in this connection, and it is my understanding from previous testimony that other person was under his supervision.

Mr. Neal: Well, if it is limited to the Walker and Fields [fol. 5188] with respect to that the government has no objection. Of course, beyond that, of course we object.

The Court: Proceed. Sustain the objection to that extent.

By Mr. Silets:

Q. Can you answer the question?

A. What is the question, Mr. Silets?

Mr. Silets: Will the reporter read the question?

(Thereupon, the reporter read back as follows:)

"Question: To your knowledge were recording devices used by those other persons?

"Answer: In what connection?

"Question: Well, in any connection, sir, with respect to this case?"

Mr. Neal: Well, the objection has been sustained. The witness should be advised except with respect to Walker and Carl Fields.

The Witness: With respect to those two the answer is no.

By Mr. Silets:

Q. Would you answer be differently as to others?

Mr. Hooker: We object to that.

The Court: Sustained.

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[fol. 5242] Mr. Branstetter: May it please the Court, I don't recall whether the Court ever ruled specifically on permitting defense counsel to see the inter-office memoranda dealing with payment of funds to Mr. Partin's wife, vouchers, or with reference to it.

The Court: If I have not ruled on that, I will rule that it is not subject to production.

Mr. Branstetter: We would like to have it sealed also.

The Court: All right. Yes, sir.

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[fol. 5384] February 17, 1964

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COLLOQUY BETWEEN COURT AND COUNSEL RE VARIOUS MOTIONS

Mr. Silets: May it please the Court, I believe this morning on behalf of the defendants a motion to suppress evidence was filed, together with an affidavit and a memorandum of interview by Attorney William Bufalino of the interview he had with Mr. William H. Daniels.

I may call the Court's attention to the colloquy that occurred last week. The defendants, at the close of the week, learned for the first time that the government had in its possession a recording of the telephone conversation had between Mr. Partin and Mr. Hoffa which was presumably that conversation which led to Mr. Partin's arrival in Nashville and from which all of his testimony apparently has flowed.

The position of the defense is that this interception and the divulgence of this telephone conversation and the use of mechanical or electronic recording device and presuma-
[fol. 5385] bly, from what we have been able to establish by discussions with Mr. Daniels, specifically the use of an induction coil on the telephone at the time of the conversation, that such constitutes an illegal obtaining of the information from that telephone conversation. It is an illegal search and seizure under the Fourth Amendment and all evidence flowing from it, as well as the particular conversation itself, is susceptible to suppression.

The motion itself, under the rules, is a timely motion under the theory of the United States vs. Silverthorn Lumber because it is only at this moment that we have become aware of the fact that such a circumstance exists. At no time had we precise information concerning this matter; however, I do point out to the Court that as early as the pre-trial motions made before Judge Gray, I believe on behalf of the Defendant Parks, a motion and adopted by all other defendants, a motion was filed asking that all evidence from wire tapping, eavesdropping and other illegal methods be suppressed.

It is my recollection further that Judge Gray denied that on the basis that there was no evidence at the time to establish the existence of such illegal methods; however, as late as this last Friday the government tacitly admitted the existence of such recordings and wire tap and at this time, under the basis of the affidavit and the memorandum sub-
[fol. 5386] mitted by the defense by William Bufalino in support of the motion to suppress, we now move the Court

for a hearing to suppress the evidence and testimony of Mr. Partin and all evidence flowing therefrom and I would suggest to the Court, inasmuch as Mr. Partin's own testimony was that it was a result of this particular conversation that he then went to Nashville and proceeded to stay in Nashville and obtain whatever he has testified to that, in fact, therefore, all of the testimony must be stricken as being illegally obtained.

[fol. 5387] The Court: All right. Well, the Court has just received this motion this morning and I will take your request under advisement and direct the government to file a response.

Mr. Neal: We will have one this morning, Your Honor.

Mr. Schiffer: Your Honor, may we file our separate motions adopting the standpoint of Mr. Silets?

The Court: Yes, sir. Yes, sir. The Court has just received this morning also a motion, or two motions, in support of asking relief from a subpoena duces tecum, apparently both motions relating to Mr. Pitcher and relate to a subpoena of Mr. Pitcher. The Court has not had an opportunity to study those as yet. I will reserve those matters until I have an opportunity to study the motions.

Mr. Silets: Your Honor, I have another motion.

Mr. Alexander: If it please Your Honor, on behalf of the Defendant Tweel we would like to adopt the motion filed by Mr. Silets.

The Court: Sorry, Mr. Alexander, I didn't get your response?

Mr. Alexander: I want to adopt the motion on behalf of Defendant Tweel made by Mr. Silets.

The Court: All right.

Mr. Branstetter: May the Defendant Campbell also adopt the request of illegal wire tapping of phones and [fol. 5388] request a hearing at this time.

The Court: All right.

* * * * * * *

[fol. 5392] Mr. Haggerty: May it please the Court, in reference to the motion to suppress evidence which was

filed with your Honor this morning, and duly served on the government, I call your Honor's attention to the fact that this is not the type of motion which can be heard after completion of proof.

I say with due consideration and respect it is your Honor's duty to promptly, under the authority of Elkins versus the United States, make a decision on this matter.

The Court: What—

Mr. Haggerty: (Interposing) Prior to the defendants putting in their proof. Now, in Elkins versus the United States, 364 U. S. at page 206, the rule is calculated to prevent, not to repair.

I ask your Honor to bear that in mind, "It is to prevent, [fol. 5393] not to repair." Its purpose is to deter—to compel respect for the constitutional guaranty in the only effectively available way—by removing the incentive to disregard it.

Further in the case of Gancy versus United States, a Second Circuit case, 1923, I haven't the citation on it, and there it is settled what time and when this motion should be brought up and whatever at one time may have been the view as what constituted a seasonable application to require the government to return seized property or as to what should be regarded as a timely objection there can be doubt that at any time prior to verdict, and I say to your Honor we are placed in the clumsy situation, a difficult situation, there is information that there were recordings, there may be wiretapping, I say it is such an imperative and important constitutional guarantee that we should have a ruling on this matter and if in your Honor's discretion to grant us a hearing we should know that before we are put to our proofs on the defense; therefore, I respectfully request your Honor to properly make a ruling on this motion.

The Court: All right. Well, the Court will have to take the motion under advisement until it has had an opportunity to study and also to consider the response of the

government, so I will reserve that at this time. All right, gentlemen.

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[fol. 5398] NICHOLAS J. TWEEL, a witness called in his own behalf, having first been duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Grady:

Q. Mr. Tweel, will you tell the jury where you were born?
A. Huntington, West Virginia.

* * * * * * *

[fol. 5405] Q. Now, this time that you met Mr. Dorfman in Nashville, was that the first time you had ever been in Nashville?

A. That's the first time I'd ever been in Nashville, Tennessee, in my life.

Q. About what time did you come to Nashville?

A. I arrived in Nashville about 6:15, I guess, I believe it was, I know it was right after six o'clock sometime, I [fol. 5406] check in the Andrew Jackson Hotel at Mr. Dorfman's suggestion.

Q. What date, please, sir?

A. Sunday, October 21st, 1962.

Q. What hotel did you check into?

A. I stayed at the—, checked in the Andrew Jackson Hotel on Mr. Dorfman's suggestion.

Q. And when were you supposed to meet Mr. Dorfman?

A. We had intended to have dinner together but apparently he didn't come in until rather late and so I walked over to the Hermitage Hotel in Nashville where I had dinner alone, then I returned to my room, I believe about eight or eight-thirty, and I recollect that Mr. Dorfman came in about ten or ten-thirty, and visited with me rather briefly in my room. He was rather tired and wanted to go

to bed early, so we agreed we would see each other in the morning for breakfast.

Q. And did you see him at breakfast?

A. Well, it was intended that we were to have breakfast together but he was with another group of people and it wasn't practical, so I didn't have breakfast with him.

Q. And when did you see him again, just give us all of your contacts with him.

A. Well, following breakfast, why naturally we wanted to discuss our business and he said he was going over to the courthouse, that the trial was going to start that day in [fol. 5407] Nashville and wanted me to join him over there, so I went back to my room, picked up my briefcase, and joined Mr. Dorfman over to the courthouse. I think I arrived over there about ten o'clock or something like that.

Q. Did you stay in the courtroom until court adjourned?

A. Well, I located Mr. Dorfman in the courtroom and I stayed there rather briefly, there was a lot of commotion and pretrial motions that I have learned about since I have been in this case here and we didn't get any opportunity to discuss any business over there.

Q. That would be on October the 22nd?

A. That was Monday, October the 22nd, the following day.

Q. Now, did you have any opportunity to see him during the lunch hour that day?

A. No, I didn't have lunch with Mr. Dorfman that day, I remember going downstairs to the basement cafeteria in the courthouse and having a sandwich and some coffee by myself, I think around quarter to eleven, something like that.

Q. When did you have any opportunity to discuss your business matters with him?

A. Well, he wanted to depart Nashville and return back to Chicago, so we left the courthouse about sometime shortly after eleven o'clock and we walked back to the Andrew Jackson Hotel and when we arrived at the Andrew [fol. 5408] Jackson Hotel we sat down at a sofa near the

registration desk in the lobby there and sat down and talked about our business, I'd say for thirty or forty minutes.

Q. Now, while you were in the lobby there talking to Mr. Dorfman did you have occasion to meet this Mr. Partin?

A. Well, while Dorfman and I were making conversation a gentleman came over and made himself acquainted or made himself known to Mr. Dorfman as Mr. Partin and Mr. Dorfman promptly introduced me to Mr. Partin.

Q. Is that the first time you had ever seen—

A. (Interposing) First and only time I ever saw him in my life.

Q. Did Mr. Dorfman introduce you to Mr. Partin by your name or as this Quinn as he says?

A. He certainly did, he introduced me by my name and I was registered in that room with my correct and proper name and I had never had any occasion in my lifetime to use anything other than my correct and proper name.

Q. All right, sir. I will show you a document here and ask if you can introduce it as part of your testimony and identify it.

A. Well, this is a copy of my registration at the Andrew Jackson Hotel in my name indicating my New York address.

Q. Does it show when you came in?

A. On the back are my travel tickets returning from [fol. 5409] Nashville to Huntington.

Q. Show when you came in and when you left?

A. Yes, sir, shows I registered on October the 21st and left on October the 22nd, it appears to me here that I left because I left on Tuesday morning, October the 23rd.

Q. Have you ever been in Nashville any other time in your life?

A. Not up to this time, no.

Mr. Grady: All right. I'd like to introduce that, make it an exhibit, whatever the number is.

Mr. Dale: 155, Your Honor.

The Court: All right. Very well, allow it to be introduced.

(The hotel registration and flight coupon referred to above were marked Def. Tweel Exhibit No. 155, for identification and received in evidence.)

Mr. Neal: May we have just a second, Your Honor?

Mr. Grady: I'd like to have that properly marked and passed to the jury, if Your Honor please.

The Court: Yes, sir.

By Mr. Grady:

Q. Now, did you have any conversation with this Mr. Partin, did he attempt to converse with you?

A. After he introduced himself, rather made himself known to Mr. Dorfman and Mr. Dorfman introduced me to Mr. Partin, Mr. Dorfman was preparing to depart, went [fol. 5410] upstairs to get his luggage and I had occasion to talk to Mr. Partin for about ten minutes.

Q. What did he talk about?

A. Well, he told me he was a Teamster official from Louisiana, I didn't know it was Baton Rouge, Louisiana at that particular time, and he further enumerated some difficulties he was having, he was having a bonding problem and was having some trouble with the government, which he recited here, he was under a 28 count indictment, I believe he so stated, and during that conversation he asked me if I knew of a competent attorney in Louisiana and I told him a friend of mine had successfully used a lawyer down in New Orleans that I thought was very competent but I didn't know the man's name at that particular time. That was the extent of my conversation with Mr. Partin.

Q. At that time did you make any recommendation to Mr. Partin of any attorney in Louisiana.

A. It was my intention to recommend this attorney in Louisiana but I couldn't recollect the gentleman's name at that particular time.

Q. Did you ever have any conversation with Partin in your room?

A. No. Mr. Partin has never visited my room, contrary

to what he said here before the Court and jury. When Mr. Dorfman came down in approximately ten minutes that [fol. 5411] he was gone I departed the hotel with Mr. Dorfman and I went directly to the American Airlines where I checked in.

Q. Just a second, Mr. Tweel. About how long did you have occasion there—, you said you talked to him until Mr. Dorfman left, is that what you said?

A. No, I was talking to Mr. Dorfman when Mr. Partin came down and Mr. Dorfman decided to depart Nashville. He went up to his room to get his luggage and check out, that took approximately ten minutes.

Q. That's what I wanted.

A. That's the extent of my conversation with Mr. Partin, and that was the last and only time I had ever seen Mr. Partin.

Q. Did you ever see him again that day?

A. No, I did not.

Q. Did you ever see him again at all?

A. No, I did not until he arrived on the stand here at this trial.

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[fol. 5441] Q. Say if you do or do not know. Mr. Tweel, during this same period you are supposed to have engaged in several telephone conversations with Mr. Partin, is that true?

A. Well, that was a very strange fact. Mr. Partin, where he got my telephone number I have no idea unless the government gave it to him, apparently he must have been overzealous to cooperate with Mr. Sheridan. But he called me on each occasion he called me, and Miss Fulton has testified to that fact that she handled calls periodically from Mr. Partin. His conversations, his first conversations concerned the name of an attorney that I had mentioned to him when I met him in the lobby of the Andrew Jackson Hotel. And I found that name for him and I gave it to him. And the rest of his conversations were rather ram-

bling. And just, I just listened to him, didn't make good coherent sense to me, and I don't know why he was calling me. Likewise, in one of my conversations with Mr. Dorfman explained to me that this fellow Partin had called me four or five times and made some conversation, I didn't even understand. But I only recollect in my conversation with him that I gave him the names of an attorney in New [fol. 5442] Orleans and he called me later and asked me what I thought of a fair legal fee was and I told him I didn't know because I had never engaged that attorney myself.

[fol. 5443] Q. Now, Mr. Tweel, I believe the records indicate here that he called you on November the 27th twice and December the 4th, do you recall the general content of these conversations?

A. No, I do not. But since this trial has commenced here I can see some link between Mr. Partin and Mr. Hall, I don't know what it might be but if the records show that he called me earlier that day maybe there was some preconceived idea of why he should call me, I don't know. I know as many phone calls as I make I can't remember who called or who I called.

Q. Mr. Tweel, Mr. Partin has testified that his phone conversation with you covered other matters than that what you have related here to the jury, is that true?

A. Well, I have no recollection of any other matters besides his bonding problem and I do recollect that he wanted to borrow $5,000.00 off of me on the telephone.

Q. Now, was he still calling you after this trial in Nashville was over?

A. Yes, he called me, I think it was very near the first of the year, the trial was over at Nashville and he was still calling me.

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[fol. 5451] Cross examination.

By Mr. Hooker:

Q. Mr. Tweel, I understand the first and only time that you were ever in Nashville was when you arrived there on the night before the commencement of the Hoffa trial in the United States District Court?

A. Yes. I arrived in Nashville approximately 6:00 o'clock Sunday evening, October 21st.

Q. And you spent the first day of the trial of the United States versus James R. Hoffa, Monday, October 22, in Nashville?

A. That is true.

Q. And the evening of Monday, October 22nd, and left the following day?

[fol. 5452] A. I left Tuesday morning, 8:15, on October 23rd.

Q. Tuesday morning, wasn't it?

A. That's right, sir.

Q. In other words, you stayed in Nashville Sunday night and Monday and Monday night and left Tuesday morning, is that right?

A. I didn't understand that, again, Mr. Hooker.

Q. You came in on Sunday night?

A. That is true.

Q. Spent Sunday night?

A. And left Tuesday morning.

Q. Monday, the first day of the trial, and left on Tuesday morning?

A. That is correct, six.

Q. Is that correct?

A. Yes, sir.

Q. Now, where—, where did you see Mr. Dorfman during that trip?

A. I saw Mr. Dorfman the first time on Sunday evening. He arrived late, he stopped by and visited me at my room rather briefly.

Q. What time of night was it?

A. I would say around 10:30, something like that.

Q. You saw him briefly that night, when did you see Mr. Dorfman again?

[fol. 5453] A. I saw him Monday morning around breakfast time in the lobby of the hotel.

Q. And you all went from there to the United States District Court together?

A. No. Mr. Dorfman went ahead of me with a group and I followed over by myself.

Q. Did you spend the morning at the United States District Court on Monday morning?

A. I spent maybe a couple of hours or so there. I wasn't there during the whole court proceedings.

Q. Then, when did you see Mr. Dorfman again?

A. We departed the courthouse together and walked back to the Andrew Jackson Hotel.

Q. At the Andrew Jackson Hotel?

A. Yes, sir.

Q. And did you have lunch there at the Andrew Jackson Hotel?

A. No, sir, we did not. I had a sandwich and cup of coffee myself in the basement cafeteria of the courthouse building.

Q. Did you go into the coffee shop at the Andrew Jackson Hotel?

A. I did not.

Q. At no time on Monday?

A. No, sir. Except, sorry, Mr. Hooker, I had breakfast [fol. 5454] in the coffee shop on Monday.

Q. Breakfast in the coffee shop, what time was the breakfast?

A. Oh, I imagine about 8:15 or 8:30, something like that.

Q. Well, what time did you get into Nashville on Sunday, October 21st?

A. I arrived about 6:15. I have repeated that.

Q. 6:15 at night?

A. That's right. In the evening.

Q. In the evening?

A. Yes.

Q. When did you first see Mr. Partin?

A. I saw Mr. Partin for the first and only time on Monday, which was Sunday—which was on October 22nd, around sometime I say right after lunch or sometime.

Q. Did you see him in the coffee shop of the Andrew Jackson Hotel?

A. I did not, sir.

Q. Where did you see him?

A. In the lobby on the couch near the registration desk.

Q. Who was with you?

A. Mr. Dorfman.

Q. Anyone else?

[fol. 5455] A. No, sir.

Q. And you say you introduced yourself as Nicholas Tweel and not as Anthony Quinn?

A. Sir, I didn't introduce myself. Mr. Dorfman introduced me to Mr. Partin and my correct and proper name of which name I was registered in the hotel.

Q. And that is the only time you saw Mr. Partin?

A. That is true.

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[fol. 5496] By Mr. Hooker:

Q. I want to ask you on the same date, that is, October 28, at 11:46 p.m. at night, if you called from Huntington, West Virginia, at the American Cigarette Service, Incorporated, Edward Partin, at the office of Local No. 5 in Baton Rouge, Louisiana?

A. If I called Mr. Partin it was pursuant to his calling and leaving a request to have me call him. And I recollect now that when I called his office in Baton Rouge they said he did not receive any calls there and if I would leave my name and number they would have him call me.

Q. Do you know why we couldn't find any calls from Partin to you?

Mr. Silets: Objection, your Honor.
Mr. Alexander: I object to that.
The Court: Sustain the objection.
The Witness: I imagine because after he testified—
Mr. Alexander: (Interposing) I objected. Don't answer the question.
The Court: Do not volunteer information.

[fol. 5497] By Mr. Hooker:

Q. Did you call Mr. Partin on October 28th, 11:46 p.m.?
A. If the record showed that I called him, I called him. If the records show that the call initiated at Mayflower Distributors, Miss Fulton perhaps returned the call from him to me. I would have to know where the call originated from, otherwise I couldn't truthfully give an answer.
Q. I ask you to look at this record of a call, this card, and the telephone bill is attached for the purposes of refreshing your recollection and state if you called on October 28th, at 11:46 p.m., to Mr. Edward Partin at the office of Local No. 5 in Baton Rouge, Louisiana.
A. I must know, Mr. Hooker, from what phone this call originated from and the length of time of the call.
Q. The call originated from the American Cigarette Service Company, Incorporated, and lasted for one minute.
A. How can you tell it originated from the American Cigarette Service Company?
Q. You received the bill there and the call, if you will look at the number from which the call was made on the bill, I think you will identify that as the number of the American Cigarette Service Company?
A. The call lasted for one minute and in all probability Mr. Partin had phoned my office for me to call him and if I called his office he was not there.
[fol. 5498] Q. And you don't recall any conversation you had with him about that time?
A. No, sir, I don't recollect any conversation with him at all.

Q. Well,—

Mr. Hooker: We will offer the record of this call for identification, if your Honor please.

The Court: All right.

The Clerk: No. 161.

(Telephone records referred to above were marked for identification as Exhibit No. 161.)

By Mr. Hooker:

Q. I will ask you to state, Mr. Tweel, if on October 21 at 7:14 in the morning if Edward Partin called you from Nashville at the Andrew Jackson Hotel, you were at the American Cigarette Service Company, I guess an hour ahead of Nashville, are you not?

A. Yes, we are, sir.

Q. So that would be 7:14 in Nashville, it would be 8:14 in Huntington, West Virginia. Do you recall receiving that call?

A. That call came into our office, station to station, my brother answered the telephone. And on that particular occasion, Mr. Partin told my brother he was trying to get in touch with me to get the name of an attorney. I was home [fol. 5499] at that time. I do not get to my office before 9:30 in the morning. My brother told me about this call because he asked for Anthony Tweel, and I believe that will so show on the record.

Q. And hand this to him, Mr. Sertel. This is a record of the call I referred to?

A. Which further substantiates his efforts to get in touch with me. This call was made to Huntington, West Virginia. To Anthony Tweel. And my brother took this call and handled the call. I had nothing to do with this call at all. Station to station.

Q. This was after—was it after you made an effort two days before to call Mr. Partin?

A. No. He had been calling me and this further sub-

stantiates the fact that he was calling me to have me call him. I hadn't spoken to him up to this time.

Mr. Hooker: We offer this record of this call for identification, if your Honor please.

The Clerk: No. 162.

(Telephone company document referred to above was marked for identification Exhibit No. 162.)

By Mr. Hooker:

Q. I will ask you to state if on November 1, at 3:20 in the evening, Mr. Partin called you from the office of Local No. 5, called you at Huntington, West Virginia, Mayflower [fol. 5500] Distributing Company, that was another one of your companies, was it not?

A. No, sir, I testified, I had nothing to do with that company and I did not own a share of stock in it.

Q. Well, were you frequently there?

A. I testified to the jury the reason I was at this particular place during the last four months of 1962.

Q. And did you have the conversation with Mr. Partin lasting one minute and thirty-seven seconds?

A. I do not know, sir.

Q. On that date, November 1st?

A. I do not know, perhaps Miss Fulton took that call. I may not have been there on November 1st. I would have check my travel records. Was it station-to-station call, sir, or person-to-person?

Q. Person to person to Nicholas Tweel.

A. Well, if it was person to person, completed, I perhaps was there.

Q. I show you this record and ask you if it refreshes your recollection?

Mr. Alexander: May it please the Court, Exhibit No. 134 which was just handed to me, let the record show that on this exhibit it states the call was taken by Mr. Tweel's brother.

The Witness: Yes, sir. Mr. Hooker, I recall that now. [fol. 5501] Mr. Partin in conversing with me at this particular time told me he had called me previous times to get hold of me and told me he had spoken to my brother and wanted the name of an attorney that I could recommend to him down in Louisiana.

By Mr. Hooker:

Q. Do you mean Mr. Partin was making all these telephone calls to you in Huntington, West Virginia, about getting him an attorney in Baton Rouge, Louisiana?

A. That is the subject of the conversation because I don't even know how Mr. Partin got my number until I came to this trial and realized that he was perhaps trying to be overzealous in cooperating with the government and trying to establish some testimony for himself.

Q. Are you sure the conversation was about an attorney in Baton Rouge, Louisiana, and not a jury in Nashville, Tennessee?

A. Yes, sir. In fact, I can give you the name of the attorney if you want it. E. J. Boyle of New Orleans, Louisiana.

Q. B. J. what?

A. E. J. Boyle, (spelling) B-o-y-l-e, sir, of Louisiana, New Orleans, Louisiana.

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[fol. 5534]

COLLOQUY BETWEEN COURT AND COUNSEL ON MOTION TO SUPPRESS

Mr. Haggerty: Your Honor, it has to do with a motion to suppress evidence and for an immediate hearing, the motion and memoranda accompanying it was filed this morning. Later on in the morning a memorandum in support of the motion to suppress backed up by authorities was also filed with your Honor. I say to your Honor in the utmost good faith in the language that I have employed

this time is not meant out of disrespect for the Court, but I say to your Honor, that I believe that your Honor has confused procedure with constitutional rights.

I have always been taught and believed that the Supreme Court's decision is the law of the land. It applies through- [fol. 5535] out the United States or should. Particularly in our federal system. Now we have presented, your Honor, the case of Elkins versus United States, 364 U. S. 206 which in no unambiguous or uncertain language the Supreme Court has stated that the rule respecting of a motion to suppress, speaking of a motion to suppress, to prevent is calculated to prevent, not to repair its purpose to deter. I say it is your Honor's duty at this time to give a ruling on this motion and that should be forthwith so I urgently request that your Honor give us a ruling at this time.

Now, this motion is not based on fancy. I will read from the transcript of Friday.

"Mr. Neal: May it please the Court, before the jury comes in I have just remembered with respect to the recordings, those were turned over to the Court."

He states recordings were turned over to the Court.

"I believe, I had forgotten, and perhaps the Court had forgotten.

"The Court: The Court hadn't forgotten anything.

"Mr. Neal: Sorry, I had forgotten it. They had been turned over, had been ruled on by the Court. Turned over with all other matters for determination in connection with Jencks statements and we will file a response. I had forgotten that we had turned them over."

Mr. Berke interrupts and says, "Are you talking about [fol. 5536] the telephone recordings?"

Mr. Neal says: "Yes, sir."

"Mr. Berk: If your Honor please, this is the first we had heard of it. And we certainly want to challenge that.

I think the Court should state, I doubt that the Court has ever seen any telephone recordings."

The Court replied on page 5159, "I have been reading consecutive pages.

"The Court: All Jencks statements that were turned over to the Court were either made available to the defendants as the Court determined them to be available under the Jencks Act or they were filed as sealed exhibits. And they are in the record. Everything that has been turned over to the Court is in the record. And has been made available by the Court to the extent that the Court deemed it to be available and has been sealed to the extent that the Court determined it was not available.

"Mr. Berke: We are challenging Mr. Neal's statement that the recordings have been filed with the Court. I understood the Court to say that you have not seen any telephone recordings.

"The Court: I stated that everything that has been turned over to the Court has been available to the defendants that was available in the Court's understanding of the law, everything that was not available has been sealed and [fol. 5537] is a sealed exhibit in the case."

Mr. Haggerty: Therefore, your Honor did not admit nor deny that some recordings or the transcription of those recordings had been turned over to you. Now, if there are telephone recordings, your Honor, we are getting into the area not a gray area, but a distinct red area, a red area of danger, and that if there are telephone tappings made here, tappings of telephones, then our motion is based on the record for the time-being and on the testimony of witnesses that can be produced so I say most sincerely to your Honor, we are entitled to a hearing on this matter and entitled to it now.

The Court: All right.

Mr. Neal: Your Honor, may I answer that briefly? Might shorten matters.

The Court: All right, Mr. Neal.

Mr. Neal: We have now submitted an answer. The only question raised with respect to alleged wiretapping concerning two telephone conversations between the Witness Partin and the Witness Hoffa, in October 1962. The defendants used that as their prima facie showing on which they based the request for a hearing with respect to this matter.

The Supreme Court has held in the second Nardone case, Nardone versus United States, Supreme Court held in the United States versus Lawn that it is not every motion, particularly this in these two cases, motions to suppress evi- [fol. 5538] dence based on wiretapping, in the second Nardone case, and in the Lawn case motion to suppress because of matters improperly before the Grand Jury, it is not in every case a request for a hearing is the Court required to indulge the defendants in a hearing.

They must make a prima facie showing that there has been some illegally obtained evidence. In this case wiretapping. Before they are entitled to the Court's indulgence to call witnesses and examine them.

We have submitted now our memorandum in opposition to the—, our memorandum with respect to the wiretapping allegations.

And with respect to the production of these under the Jencks Act we have attached thereto affidavits from the Witness Partin and affidavits of Mr. Daniels. These affidavits are unambiguous. They are unimpeached. They state that the recordings were made with the consent of Mr. Partin who was the sender in each case. They were recorded conversations made of telephone conversations by the sender of the conversations, the Witness Partin, made with his consent. And have been submitted to the Court.

There is nothing in the record to impeach this or to require the Court to go into a hearing on the matter. I have seen nothing whatever, your Honor, that would require this Court under the second Nardone case and under [fol. 5539] the United States versus Lawn to require the

Court to have a hearing based on the affidavits now in the record.

[fol. 5540] Mr. Haggerty: May it please the Court, Mr. Neal, if I understand correctly, it stated that you have filed such an answer or a reply.

Mr. Neal: I have.

Mr. Haggerty: Where is it?

Mr. Neal: Mr. Berke has it.

Mr. Berke: While you were out.

Mr. Haggerty: I call to Your Honor's attention on telephone communications it is the law that if one consents to a wiretapping on the sending end, Mr. Hoffa was on the receiving end according to the testimony of Partin, the law requires that there be some sort of an electronic device or mechanical equipment that provides beeps at intervals while that conversation is being tapped in order to make it legal. Now, that is the settled law.

There is no evidence in here where regardless of what Mr. Partin consented to it's an illegal and an unlawful act on the part of the government if the government participated in it and I understand that they did, it is illegal and unlawful for them to have such a setup with an induction coil probably on a telephone unless the beeps are as prescribed by law sent along with the message to warn the person who is being tapped that it is a tap.

Mr. Neal: Your Honor, I call on Mr. Haggerty for some law in that respect. We pointed out in our memorandum [fol. 5541] in opposition the Supreme Court case of Rathburn versus United States 355 U. S. 107, 1957, and that case was a seven to two decision, but even the dissenters in that case, Your Honor, held that even assuming that the situation we have here would be quite proper in that case the recipient of telephone conversations had it recorded and had an officer listening in on an extension phone.

The Court held that there was a legal interception, there was nothing improper there. The two dissenters, Your Honor, dissented because the conversation was not recorded with the consent of the sender and they pointed out that the petitioner, the defendant, was the sender.

Here we have the witness Partin as the sender, who has consented. This beep stuff is new in the law to me.

Mr. Haggerty: It's in the Federal Communications system, it's a regulation of that commission which has the same effect as a statute.

Mr. Branstetter: May it please the Court, I would like to be heard very shortly on this matter because it involves our original motion to suppress the testimony of Partin.

The government now has filed a memorandum and argument which has just been handed up to the Court taking two inconsistent positions.

First on our motion to suppress the testimony of Partin [fol. 5542] this court held that Partin was in Nashville at the request of the Defendant Hoffa. That ruling can no longer stand under the basis of the argument and the report just now handed to the Court.

The finding of the Court based upon the previous proceedings now under the admission of the government and now in writing signed and on Your Honor's bench cannot stand at all.

That Partin was there at the request, behest, encouragement and being placed there by the United States Government.

Secondly, in the affidavit that is attached to this particular argument on the part of Partin there is a direct, a direct contradiction to what Partin testified on the stand. He was asked if he had made any recordings, if he was furnished any device for making recordings. He said he was not. I believe Mr. Schiffer asked him that question. I sought to ask him the question because I was very much concerned about it and the Court cut me off and said that had been gone over, is my recollection of what took place there.

In the affidavit of Partin and the affidavit of Daniels he says that the above calls were placed from a certain room and that they were placed with the recording—The recording was placed and operated by Partin.

Now, may it please the Court, that is in direct conflict with the testimony that we sought to have suppressed of [fol. 5543] Partin when we were proceeding on our motion to suppress.

Now, I do not believe that it is the province of the government to be in an inconsistent position of this character, let alone having a witness testify to it knowingly. The government, at the time this witness testified, knew that there had been a recording of the telephone conversation, that Partin had been furnished with an apparatus for that purpose, that he had accomplished that purpose, yet when this witness Partin was on the stand he denied any knowledge whatsoever of the recording or being furnished with any material connected with the recording.

Now, there are a goodly number of cases, may it please the Court, where the government takes a position of that sort and uses evidence that they know or by reasonable diligence should know is not true, that then the total testimony must be suppressed.

We move at this time that all of the testimony of Partin in this case be suppressed.

Now, as far as the Rathburn case is concerned that has been referred to by the government, that case does not at all deal with recordings. That case deals with the listening in on an extension phone, so the government's citation to the Rathburn case is just clearly not applicable under the facts that are now before the Court.

We think, may it please the Court, that the total testi- [fol. 5544] mony of Partin must at this point be suppressed, the previous ruling by the Court that Partin was in Nashville at the request of someone other than the government must be overturned and the Court designate on these affidavits and this argument that the government has proven to the contrary.

Mr. Schiffer: May I address the Court on that subject, please, Your Honor?

The Court: All right.

Mr. Schiffer: On behalf of Mr. Parks. Your Honor, no doubt Your Honor recalls the words of one of the world's most famous jurist, may his memory live forever, Oliver Wendell Holmes, in one of his cited reports stated about wiretapping that it is a dirty business and it remains a dirty business to this day and it remains a dirtier business when government officials, people of our government, resort to that kind of stuff.

Now, I want to say to Your Honor, and I raise this point, I find I finally have reached the point in this case where I want the Court to determine how far it is going to permit the prosecution in this case from Washington to push this Court.

Now, Your Honor's notes reflect that Mr. Partin did testify here under oath, and I asked him the question, at least one other attorney asked him the question, "Did you use any kind of electronic equipment? Did you monitor? [fol. 5545] Did you tape? Did you do anything at all to record a conversation?"

Your Honor knows he answered that twice or three times under oath before Your Honor and this jury, he said, "No."

That is unequovical, there is no question what his answer was. Here is an affidavit sworn by the same witness under today's date, Your Honor, and now he says under oath that on both of those occasions I recorded these conversations by use of a device on my receiver given to me by William H. Daniels of the DA's office in Baton Rouge, Louisiana. I then gave the recordings to Mr. Daniels and authorized him to make such use of the recordings as he saw necessary in the execution of his duties, including divulgence of the same.

Now, what is Your Honor now going to do with a man who now provably, demonstrably without any question has committed outright perjury? Are we now to suffer two ways, Judge? Are we now to be caused to suffer because of the illegal activities of the government here in using these things the way they did?

[fol. 5546] Are we then again to be made to suffer because of the demonstrable evil perjury committed by this witness for the government? Doesn't your Honor feel at this time we are entitled to some relief in what has become a travesty of justice and not a trial at the behest of the government? Why shouldn't Partin right now be indicted for perjury on what is before the Court right now in two instances of sworn testimony and, further, why shouldn't Partin's testimony now be excluded in its entirety?

How much does this Court want the government to be permitted to be used against the deefndants unconstitutionally? To what point, your Honor, are we lawyers supposed to appear here in court, make the pretense of defending according to law when the government pushes the Court to such an untenable position that it cannot do justice in the face of the Partins?

I say one of two alternatives the Court should take at this time, I say this most respectfully, the government having placed your Honor in this position that your Honor then at least, as a very minimum protection for the defendants should strike all of the testimony of Partin in this entire case.

Hereby this second affidavit filed today by the government is complete proof that man lied under oath on material matters, your Honor. He has committed a crime in [fol. 5547] addition to perjury, it's all manifest now.

What are we supposed to carry on? Why carry on this trial any more if your Honor is going to permit the Partins to come in here and testify for the government? If a man is given a license by this Court to come in and testify under oath and lies and it's demonstrably provably false, then comes in with another affidavit, your Honor, in which he says, "I lied the first time on a material issue." What does your Honor want from counsel for the defendants? What can we do to defend anybody here in the face of this kind of admitted perjury?

So that is a minimal. I ask your Honor to strike all of the testimony of Partin and caution the government that

if they have any more of this monkeyshines, these illegalities, that they are going to push before this Court, that your Honor won't stand for it any more.

Your Honor, many times as indicated to me during the course of this trial I was talking too loud and I told you it was my zeal, I may at times be overzealous, your Honor doesn't know, you have never experienced what it is in this trial to leave your courtroom and go and be surveilled where you know you can't talk to your witnesses and have that 24 hours a day.

The following morning, after a sleepless night, come in here and try to handle a case before your Honor. Well, [fol. 5548] we try to do that.

What the Constitution says is every defendant's right, we must carry out our responsibilities. Your Honor countless times has indicated displeasure to me. Can your Honor now point with displeasure to what has been proved on the part of the government?

What else can we say to your Honor? I don't want to cause you displeasure. This is a Federal Court, as I said once before, this stands with my house of worship to God on an equal plane. This is justice to guarantee the American people. How can we go on with this farce of a trial now when Partin's testimony is permitted to stand in the face of his provable falsity now, outright perjury? Can the government now say to your Honor, "Let's continue this trial?"

Mr. Neal: May it please the Court, I would submit to the Court the proposition that there is a no inconsistency even with this affidavit and the testimony. I will let the record speak for itself, there is none, none whatever.

The Court: All right.

Mr. Schiffer: Your Honor give us ten minutes we will point out where the record shows that and where your own notes, your Honor, I am positive, will indicate the answers this man made under oath.

[fol. 5549] Mr. Neal has the temerity to stand up in this court and tell your Honor your notes are wrong.

The Court: All right. The motion to suppress the testimony of the Witness Partin will be overruled. I will reserve at this time the matter of the hearing until I have an opportunity to study the motions and the responses and the cases cited.

Mr. Brown: That motion is as to all defendants?

The Court: Yes, as to all defendants. May we have the jury return and the witness return?

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[fol. 5552] Further cross examination.

By Mr. Hooker:

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[fol. 5554] Q. Now, Mr. Tweel, you say that the only time that you ever saw Mr. Partin was on the occasion of your visit here in Nashville on October 22, 1962?

A. That was the first and only time I ever saw Mr. Partin in my life until he took the stand here at this trial.

Q. Did you tell Mr. Partin at that time or in any of your subsequent telephone conversations that Mr. Dorfman called you and told you it would be a personal favor to him if you would come down to Nashville and help him set up a method to get to the jury?

A. I don't believe I understand that question. Will you [fol. 5555] repeat that question?

Q. I said did you tell Mr. Partin in either when you saw him here on October 22 or in any of the later telephone conversations you had with him, that Mr. Dorfman called you and told you that it would be a personal favor to him if you would come down here and help him set up a method to get to this jury?

A. Certainly not, that is a figment of Mr. Partin's imagination.

Q. You deny that?

A. Absolutely, sir.

Q. You have been present all during the hearing here in the courtroom, have you not?

A. I certainly have.

Q. Hear Mr. Partin's testimony in its entirety?

A. I certainly did.

Q. Did you also tell Mr. Partin that you needed the jury list in order to contact Mr. Hall? That is in one of your later conversations?

A. Mr. Hooker, I can't be responsible as to what Mr. Partin testified to in this court. I'm telling the jury and the Court the truth. I never discussed anything of that nature with Mr. Partin outside of his personal affairs, his difficulties with the bond, his difficulties with the government and the fact that he wanted to borrow $5,000 off of me [fol. 5556] and I'm certain about what I have heard at this point from the courtroom if I had had any such conversation with Mr. Partin it would have been recorded.

Q. And you deny that you told him that you needed a jury list so you could contact Mr. Hall?

A. I absolutely deny that, sir.

Q. And you deny that you ever got a jury list over the telephone?

A. Absolutely. I have testified to that already.

Q. Did you also tell Mr. Partin over the telephone that soon as Mr. Hall made contact with somebody down here it was your intention to return to Nashville?

A. Mr. Hooker, what conversation would I have with Mr. Hall? I only met the man for 10 minutes and I had no further conversation with him other than he calling me about his problems.

Q. You say Mr. Hall calling you?

A. Mr. Partin.

Q. Mr. Partin?

A. Yes, sir.

Q. And you never had any conversation with him in any way in which you told him that as soon as Dallas Hall made contact here you were coming back to Nashville?

A. Mr. Hooker, if I had had any conversation with Mr. Partin to that extent I'm certain the government as I have [fol. 5557] already stated here so far have recorded certain telephone calls and they could have certainly recorded that if there had been any incriminating evidence against me.

Q. Now, didn't you also tell Mr. Partin, had a telephone conversation with him, that for him to pass word to them that you were going to have to get out of here, that it was too hot for you?

A. Absolutely not, sir. I was only in Nashville the one time in my life and I never went back.

Q. I'm talking about over the telephone.

A. No, sir.

Q. Didn't you tell Mr. Partin to tell them that you were going to have to get out of it that it was too hot for you?

A. Sir, what would I be talking to Mr. Partin for? I knew Mr. Dorfman. I wasn't acquainted with Mr. Partin.

Q. Didn't you also tell him that Dallas Hall didn't want any part of it and that it was too dangerous to touch?

A. No, sir.

Q. So, as I understand it, how many calls do you now say that you had with Dallas Hall?

A. He testified we exchanged about three calls and I honestly believe he is right.

Mr. Neal: Your Honor, excuse me, just a minute, we move to strike that Mr. Hall testified that he never called [fol. 5558] this man. Now this man is saying that he testified that they exchanged telephone calls.

The Court: Well—

Mr. Branstetter: (Interposing) May it please the Court, does Mr. Neal want to argue it at this point?

The Court: Well, it will be up to the jury to recall what was testified. Overrule the objection.

By Mr. Hooker:

Q. How many telephone conversations did you have with Dallas Hall?

A. He testified that we had three telephone conversations and I believe he is right and Miss Fulton testified that she handled many incoming calls from Dallas Hall to me.

Q. And you claim that none of those telephone conversations, none of those three or four calls, conversations with Dallas Hall had anything to do with the jury?

A. Absolutely not.

Q. What were they about?

A. I testified earlier; it is in the record if you want the reporter to read it to you.

Q. Well, do you mind telling me again?

[fol. 5559] A. The initial call Mr. Hall made to me and I answered he discussed the Dade Park Race Track, which was being sold, and informed me of his desire to be a stockholder. The second call concerned about his passes for Miles Park, which I promised to send to him. It was during that call, I believe, that he mentioned something about the reporters being in his place of business the previous evening and discussing the Hoffa trial, as he recollected, although he didn't discuss that with me when I first met him, we didn't discuss the Hoffa trial, but I honestly believe we did discuss it and he recollected that I was interested in it at that time and wanted to know if he could have been of any help to me. I absolutely know I had no interest in the case whatsoever, very innocent conversation, sir.

Q. All the telephone conversations with Dallas Hall then according to you were either about horce racing or about some reporters being in his place?

A. That's true, sir.

Q. And none of them about the jury in the case that was on trial in Nashville at that time?

A. Well, he testified and I have testified and I think it's up to the Court and the jury to decide for themselves.

Q. But you say none of them were about the trial?

A. We reviewed that he mentioned the fact to me on [fol. 5560] the telephone.

Q. Now, how many times did you talk to Partin?

A. Partin called me, according to your records he called me and spoke with me on five occasions, I believe that is true.

Q. Do you deny that you ever called him?

A. I answered his responses, in other words, he would call Miss Fulton and leave word for me to call him but we could never located him.

Q. And all of those conversations were about some attorney in Baton Rouge?

A. All of those conversations were not only about the attorney but about his many problems he was having with the government and he was seeking to get a bond and that is what he wanted to borrow $5,000.00 for for apparently he needed $5,000.00 to make his bond.

Q. About borrowing some money from you?

A. It's true, sir.

Q. Did he suggest anything about any collateral?

A. No, I didn't even discuss the loan any further, I didn't know the man.

Q. What basis did he have to think he could borrow $5,000.00 from you?

Mr. Schiffer: Object to the form of it.

Mr. Alexander: Argumentative.

[fol. 5561] A. Sir, he was employed by the government at that time.

Mr. Alexander: Just a minute, Mr. Tweel.

The Court: Overrule the objection.

A. He was employed by you people at that time and apparently he was calling me at your insistence to see if I had any information on the Nashville situation.

Q. What right did he think that he could—, he would have to borrow any $5,000.00 from you?

A. Well, Mr. Hooker, I get requests for loans all of the time from people that have a right and people that don't have a right.

Q. And you claim that was what one of the conversations was about?

A. Absolutely, sir.

Q. And the others were about getting him an attorney in Baton Rouge?

A. He asked me if I could recollect the name of that attorney in New Orleans, Louisiana. I dug up the name for him and recommended this attorney to him.

Q. All right. That is two conversations. Now, what were the others about?

A. He asked me again on another occasion if I knew what a fair, legal fee would be for this attorney and I told him I didn't have any personal contact with this attorney [fol. 5562] and I couldn't advise him.

Q. And that's all you talked to him about?

A. Well, he rambled at great length in the conversations and talked about many things, I didn't pay much attention to him myself.

Q. You never under any circumstances, you say, talked to Partin about the jury in the Hoffa case that was in progress in Nashville.

A. Absolutely not, sir.

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[fol. 5599]

COLLOQUY BETWEEN COURT AND COUNSEL

Mr. Silets: May it please the Court, during the examination of the Witness Tweel I was served with a document entitled, "Government's Memorandum of Law—Applicability of 18 U. S. C. 3500—Transcripts or Recordings of Telephone Conversations Between a Government Witness and a Defendant Taken With the Consent of the Witness by State Law Enforcement Officials."

Attached to the memorandum are two affidavits, one of an employee of the District Attorney's office in Baton

Rouge, Mr. William H. Daniels, and the second an affidavit executed by the witness Edward Grady Partin.

Now, I assume that the government memorandum and supporting affidavits were filed in opposition to the motions filed by the defense on the behalf of all defendants as to the motion to suppress.

I note in the affidavits attached that the affiants are restricting very carefully, very carefully restrict their response to a telephone call between the Witness Partin, two calls between the Witness Partin and the Defendant Hoffa. However, there is no response anywhere to whether there were recordings of the same or similar nature with respect [fol. 5600] to any of the other defendants.

Even though the memorandum is entitled "Telephone Conversations between a Government Witness and a Defendant" and was apparently filed in opposition to the motion filed on behalf of all defendants.

Now, I would like to inquire of the government at this time whether there are any such recordings with respect to any other defendant and also with respect to the Defendant Hoffa, whether these are all the recordings?

The Court: Well, gentlemen, these are written motions and I have asked for written responses to be made to them.

Mr. Silets: Well, am I to assume this, this is the totality of all of the recordings that were made with this witness Mr. Partin?

Mr. Neal: Your Honor, we respond to matters brought up when they make some effort to show something. We are not called upon to make a general broad response to things. I have responded once and I respond again there is not anywhere in this case, to my knowledge, and I think I would know if there was since I am completely familiar with the evidence in this case, its origin and its ultimate disposition, any evidence obtained by illegal wiretapping of anybody's telephone anywhere at any time.

Now, when a prima facie showing has been made, or at [fol. 5601] least there is any question of whether any prima

facie has been called, like with respect to the two telephone conversations, we have responded under Lawn and Nardone and other cases of the Supreme Court, United States versus Fujuomoto. We don't have to get up and respond. They call and give us any recordings any time, we responded to a specific allegation and our response was with respect to 3500, also is a response to respect to the allegation or the motion to suppress because of wiretapping.

Mr. Silets: When we file a motion of this sort on behalf of these defendants, we allege what is to our knowledge at the moment and it may be, in fact, that there are additional matters which are of the same character and once they have alleged enough for the Court to ascertain that these events have occurred, then the government is obliged, I think, under the Coplin case to come forward and respond to all of these and the burden shifts to the government, your Honor.

Now, if the government is taking the position that these are the sum totality of all of the calls that were intercepted in this fashion and a device was used to listen in, well, then, I think we are entitled to know so that we can respond accordingly, but as it stands now, Mr. Neal is being cautious and deliberate in his remarks and saying that he doesn't know anything about wiretapping and it's his per-
[fol. 5602] sonal knowledge.

Well, he is drawing a legal conclusion and I don't want to get into that dispute, but my question is this the totality of the calls, either to Dorfman or any other defendant or to Hoffa? How far can we respond? As a matter of fact, this very subject and this very circumstance is what should lead the Court to have a hearing on the issue.

The Court: All right. Well, the Court will certainly want to study the matter overnight.

Mr. Haggerty: I call it further to your Honor's attention that there are devices which may be illegal, dictaphones are planted in rooms, dictaphone amplifiers that

are placed on walls in between rooms. I think we are also entitled to know in that field if the government has such recordings.

The Court: All right.

Mr. Haggerty: The only thing isn't telephone taps that are illegal.

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[fol. 5669] February 18, 1964

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The Court: With regard to the motion to suppress filed on behalf of the Defendants the Court will allow a hearing upon that motion. That hearing, however, will be conducted at the conclusion of the testimony in the case but before any argument of the case to the jury.

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[fol. 5676] ALLEN DORFMAN, a defendant, called as a witness in his own behalf, being first duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Silets:

Q. Will you state your name, sir?

A. Allen Dorfman.

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[fol. 5693] Q. Now, Mr. Dorfman, we all saw a man named E. G. Partin on the stand for quite a few days. Do you know Mr. Partin?

A. Yes, I met Mr. Partin.

Q. Now, specifically I direct your attention to the first day of the trial of the Hoffa case in Nashville, October 22nd, when you were in the lobby with Mr. Tweel. Did you have occasion to see Mr. Partin?

A. Yes. Mr. Partin walked over and introduced himself to me, I introduced Mr. Partin to Mr. Tweel and I left shortly thereafter because I had to get my plane.

Q. As I recall your testimony, you said the plane left [fol. 5694] around one o'clock?

A. That is right, sir.

Q. Now, did you see Mr. Partin after that during the course of the trial or when you were in Nashville?

A. Yes, I have seen him on occasions in Nashville.

Q. Now, specifically, Mr. Dorfman, do you recall an occasion that has been testified to here during the course of that trial in Nashville when a large group of men, including yourself and Mr. Hoffa and some attorneys for Mr. Hoffa, had occasion to eat at a restaurant known as O'Brien's Beefery?

A. Oh, yes, we have eaten there on many occasions.

Q. Well, now, specifically do you recall the occasion that was testified to when a lot of you walked back from the restaurant and some stopped at a railroad station?

A. Yes, I do.

Q. Can you tell us something about what happened then?

A. Yes, we had left O'Brien's Beefery after having had a rather large meal and we usually walked back to the Andrew Jackson Hotel.

On the way back we passed the railroad station, which is quite a structure in Nashville, Tennessee.

Q. You mean it's—is it a new one or it's an old one?

A. No, it's quite old, I would say, and we were talking [fol. 5695] about the—actually the wasted monies that were put into these properties years ago with the wasted space and actually comments were made what a nice truck terminal this would make. Then there was a discussion as to the height of the ceilings and all kinds of bets as to the distance and so on.

Q. Do you remember, by the way, Mr. Partin eating with you at O'Brien's?

A. I have no recollection of Mr. Partin eating with me at O'Brien's.

Q. Well, do you recall making any phone calls from O'Brien's?

A. I have no recollection of making phone calls from O'Brien's.

Q. Well, do you remember making a call from the railroad station?

A. Yes, I do.

Q. And who did you call?

A. I called Mr. Nicholas Tweel.

Q. Did you have a conversation with him at that time?

A. It was very brief because I couldn't hear him and he couldn't hear me, there was all kinds of static on the phone.

Q. You mean it was a bad connection?

[fol. 5696] A. Yes, very bad.

Q. Did you ever have an occasion or the occasion present itself that you would tell Mr. Hoffa that you had made that call?

A. I would have no reason to tell Mr. Hoffa about that call.

Q. Well, after you left the railroad station did you call Mr. Tweel a few minutes later?

A. Yes. I called Mr. Tweel about 10 or 15 minutes later from a phone booth further on down the street.

Q. Was Mr. Partin with you?

A. He was not.

Q. Tell the jury why you would call Mr. Tweel from a railroad station and from a phone booth?

A. Well, when I have some business to take care of I take care of it right now. It so happened it was convenient at the railroad station and I called him. The connection was bad and I said, "All right, I will call you back in about 20 minutes," which is exactly what I did, which is not unusual, I do this quite often.

Q. This is not unusual for you?

A. No, quite to the contrary.

[fol. 5697] Q. Did you read a jury list to Mr. Tweel over the phone?

A. Absolutely not.

Q. Did you read a list to anybody over the phone?
A. No, I did not.
Q. Do you recall what this conversation was about?
A. Yes, we talked about the loans on the buildings and the insurance company and particularly the S.E.C. filings.

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[fol. 5700] Cross examination.

By Mr. Neal:

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[fol. 5722] Q. You heard the testimony of Mr. Partin?
A. Yes, I heard Mr. Partin.
Q. And, of course, he's not telling the truth, is that your testimony?
A. Absolutely right, he is not telling the truth.
Q. Neither one of them are telling the truth?
A. Absolutely right, they are not.
Q. Mister—you don't know whether Mr. Tweel is telling the truth or not when he said you had a jury list and gave him in the courthouse or you may have?
A. I said I had no recollection of that, Mr. Neal.
Q. Now, I believe you said when you were in Nashville on your first trip you came in some time late at night [fol. 5723] on October the 21st, is that correct?
A. That is correct.
[fol. 5724] Q. I think you testified that the next day Mr. Partin came up and introduced himself?
A. That is what I said.
Q. Introduced himself to you?
A. Introduced himself.
Q. Pardon me?
A. He walked up and introduced himself to me.
Q. The first time you had met him?
A. No, sir, I met Mr. Partin one time before, I think, and I am just reaching back into my memory now, I think I met him one time in Florida as it pertained to his bond. But I'm not sure.

Q. That was before this, wasn't it?
A. It was in June or July of 1962.
Q. Are you in the bonding business, your companies?
A. We are now, yes.
Q. Were you then?
A. In 1962, yes, sir.
Q. Were you in business making bonds for people?
A. Yes.
Q. What company does that?
A. United Bonding.
Q. United Bonding?
A. Yes.
Q. Was that the one who made the bond in that case?
[fol. 5725] A. In that case I think the bond was originally written through an outfit out of New York and re-insured with United Bonding or United Bonding was the guarantor. I am not sure of that.

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[fol. 5831]

COLLOQUY BETWEEN COURT AND COUNSEL RE MOTIONS

Mr. Schiffer: Your Honor, the Defendant Parks likewise filed a motion yesterday and we are in this position right now, Your Honor, that since we must go forward now with our evidence in chief for the defense without this information supplied by the government at this time before we commence, we are seriously prejudiced at this time before the defendant or any witness takes the stand. And we feel that the government has had enough time now to commit itself as to whether or not there are these tapes and other recordings whatever or not, electronically, and without that [fol. 5832] information which the government should be forced to disclose at this time certainly before the Defendant Parks' case goes in, we feel that to avoid prejudice to the defendant the government should proceed with that and at least before the Defendant Parks continues with his defense.

The Court: All right.

Mr. Branstetter: May it please the Court, on behalf of the Defendant Campbell I filed a motion also to suppress and I believe that government counsel is misconstruing the law totally in this respect. The Rathburn case and the Binetti case clearly hold that once there is any evidence in the record at all that there has been wiretapping that then the burden shifts to the government to produce any and all such evidence and to show that the same was not secured in any illegal manner. I think that is a fair statement of the law.

We have filed such a motion. The government has responded. And has admitted in the response both by statement of counsel and by affidavit of the witness, that there were attachments made to a telephone intercepting certain telephonic conversations. Once that has been established, the case law is clear. The burden then shifts to the government to prove, one, and to establish, one, that such was not illegal, and, two, that any information that they may have achieved as a result of this or flowing from it has [fol. 5833] not been used in evidence.

We respectfully request the Court to proceed in accordance with the two cases, the Binetti case and the Rathburn case.

[fol. 5834] Mr. Silets: Your Honor, I filed a motion this morning alleging possible wiretap or illegal interception with the Defendant Dorfman and other witnesses or calls between Dorfman and Hoffa or any other conversation.

Now, I think the Court called upon the government to respond to that and I suppose that is the next procedure.

Mr. Neal: May I say one thing, your Honor? It's amazing to me how Mr. Branstetter can argue the way he argues. It may be, your Honor, I try to be fair with the Court, but the government has to make sure to do everything it can so that no reversible error is committed by anyone, it may be, your Honor, I am not admitting it, it may be that if the defendants show any illegal interception and divulgence of telephonic communications then the government may have the burden of coming forward and showing that this evi-

dence is not tainted with such illegal interception and divulgence that there has been such a continuation between the illegality and the evidence that the prosecution should be permitted to continue. That may be the rule once they show that there has been illegal interception and divulgence.

The government has admitted no illegal interception and divulgence. The government submits there has been and is none and the defendants have absolutely and totally failed to show that.

Now, that's what we are standing on and we stand on [fol. 5835] the Lawn case and the Nardone case and the Rathburn case for these propositions.

Mr. Branstetter: May it please the Court—

Mr. Neal: (Interposing) As your Honor, I am sure, will see that we are right.

Mr. Branstetter: Now, may it please the Court, Mr. Neal first said that he doesn't understand how I can argue, then he goes ahead to agree with me.

Our position is very clear in this matter that the government has filed an affidavit stating that they had used a contraption to place on a phone to intercept telephonic conversations. That is admitted, I think, at this point.

At this point may we ask for a complete hearing and subpoena witnesses and have filed affidavits establishing that such was illegal and we filed the regulations of the Federal Communications Commission requiring a beep, beep, or some information, making it a criminal offense not to do so.

This is illegal or tainted evidence under both the established law and the rules and regulations. We asked for an immediate hearing.

Now, may it please the Court, I do not know how we can proceed further in this respect when the government, when the matter is now before the Court and constitutes ad- [fol. 5836] mittedly illegally obtained evidence.

Mr. Grady: If your Honor please, may I say this for the record, adopting everything they have said, without trying to take up any time or be repetitious, but we filed our first motion to suppressed evidence yesterday and we hadn't

filed one previously because we were led to believe, and I will be glad to go back in the transcript, by Mr. Neal, as an officer of the court, that no recordings were in existence.

It now turns out that he has been using a play on words. He says, "No illegal recordings." He now admits there are phone recordings and, of course, this affects Mr. Tweel very much. It's his tie-up, basically this man Partin and that's who the recordings are made by supposedly and he is putting himself in the position of taking the place of the Court passing on the legality or the illegality or using this play on words by misleading counsel as an officer of this court and I suppose misleading the Court by saying there are no illegal recordings and passing himself upon the legality or illegality of the recordings and leading us to believe that there are no recordings because of that play on words and because of his using the power of himself to pass upon whether they are legal or illegal and we feel like we are entitled to know whether they are recordings and how many of them there are and not be based on his opin-
[fol. 5837] ion of whether they are legal or illegal.

The Court: All right. The Court will—

Mr. Haggerty: (Interposing) May it please the Court, I have several matters. First is a motion at this time based upon the questions formulated by Mr. Neal, some of which were objected to and sustained. It discloses that a surveillance was made of Mr. Hoffa during the Nashville 1962 trial of his witnesses and of his attorneys.

Therefore, I move the Court at this time to order the government to turn over to the defense all reports of surveillance of the defendant, his witnesses, his counsel, in the Nashville trial in 1962.

The Court: All right. I believe that motion should be overruled.

Mr. Haggerty: Further, your Honor, I am filing a new motion to suppress evidence which in addition to the phone call embraces evidence secretly or directly or indirectly by bugging of rooms, offices, or conversations between Mr. Hoffa and any other defendants or between him and Mr.

Partin or between him and any other witness for the government be suppressed.

This motion to suppress is more comprehensive than the one that is now pending before the Court. I serve Mr. Neal, Esquire, and file with the Court this motion.

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[fol. 5848]

WILLIAM HAWK DANIELS, a witness called at the instance of the Defendant Dorfman, being first duly sworn, was examined and testified as follows:

Direct examination.

By Mr. Silets:

Q. Will you state your name, sir?

A. William Hawk Daniels.

[fol. 5849] Q. What is your occupation, Mr. Daniels?

A. I am an attorney in Louisiana, I am the administrative assistant to the Honorable Sergeant Pitcher, District Attorney, Nineteenth Judicial District.

Q. And is that in the City of Baton Rouge?

A. Yes, sir.

Q. How long have you been an employee of the State of Louisiana?

A. Three years and three months.

Q. And what are your duties in that employment, Mr. Daniels?

A. I do legal research, I coordinate investigations, supervise them, conduct the investigations and I am generally in charge of the files and the stenographic personnel.

Q. Are you acquainted with a Mr. Frank Grimsley, a United States Government Attorney?

A. I am.

[fol. 5850] Q. How long have you been acquainted with Mr. Grimsley?

A. Since approximately about October 2, 1962.

Q. And are you acquainted with Edward G. Partin?

A. I am.

Q. How did you meet Mr. Partin?

A. I first met Mr. Partin on May 30 or May 31, 1961, when he paid a call at my place of business, a commercial establishment, in Baton Rouge.

Q. And did you meet him thereafter from time to time?

A. I saw him on subsequent occasions, yes, sir.

Q. Did you have occasion to meet him in the course of your official capacity as an assistant to the District Attorney?

A. Yes, sir, on the occasion of the first meeting it was in connection with my official duties.

Q. On May 30, 1961?

A. Yes, sir.

Q. Can you relate that to us?

Mr. Neal: Objection, your Honor.

The Court: Sustained.

By Mr. Silets:

Q. Now when was the next time you met him?

A. I couldn't remember that with any particularity, sir, [fol. 5851] but it was during 1961 and intimately in 1962.

Q. On each of those occasions with respect, he was meeting you with respect to your official duties as a member of the District Attorney's office?

A. Yes, sir.

Q. Now, directing your attention to the year 1962, can you specify any meeting that you recall with Mr. Partin in that year?

A. Yes, sir, I can specify some of the meetings I had with him.

Q. Well, will you relate those, please?

A. During the course of an investigation into alleged criminal activities in our parish, I had occasion to interview Mr. Partin. I more frequently saw him beginning in September 1962 and thereafter.

Q. Was Mr. Partin a subject of your criminal investigation?

Mr. Neal: Objection, your Honor.
Mr. Hooker: Objection, your Honor.
The Court: Sustain the objection.

By Mr. Silets:

Q. All right, Mr. Daniels, you say you began to see him more frequently in September, 1962, can you tell us what the purpose of your seeing him frequently in that month was?

Mr. Hooker: We object to that.
[fol. 5852] The Court: Sustain the objection.

By Mr. Silets:

Q. How often did you see him in September 1962?
A. Several times. Two or more, Mr. Silets.
Q. And were those times two or more times in September pursuant to your official duties?
A. Yes, sir.
Q. Now, did you see him also in the month of October?
A. Yes, sir.
Q. 1962?
A. Yes, sir.
Q. Now, Mr. Daniels, in particular were any of the meetings in the month of October or September 1962 in any way related to the defendant Mr. Hoffa or any other defendant in this case?
A. Mr. Silets, I don't know if I understand the question. Do you mean related to Mr. Hoffa and others as defendants in this case?
Q. No. The individuals either Mr. Hoffa, or Mr. Dorfman, or any of the other defendants as individuals?

Mr. Hooker: We object to that, your Honor, unless related to this case.
The Court: Sustained.
Mr. Silets: Well, your Honor, there is very little you [fol. 5853] can do to disassociate the individuals from this case. I will rephrase the question.
The Court: All right. Rephrase the question.

By Mr. Silets:

Q. Mr. Daniels, now you have said that in September and October you had spoken to Mr. Partin as part of your official duties?

A. Yes.

Q. Now, at any time during your conversations or your meetings with him were the names of any of the defendants in this case mentioned to you?

A. Yes, sir.

Q. Now, when was the first such meeting?

A. It would have been the 27th, 28th, or 29th of September, 1962.

Q. Now, can you tell us whether Mr. Partin called you or you called Mr. Partin?

A. Mr. Partin was the one who called for the meeting.

Q. He initiated the meeting?

A. Yes, sir.

Q. And that was to the best of your recollection on the 27th, 28th, or 29th of September, 1962?

A. Yes, sir.

Q. Is that correct?

A. Yes, sir.

[fol. 5854] Q. Now, tell us of the first meeting that you had pursuant to the initiation by Mr. Partin, when was that? Or, excuse me, you have said the 27th. Where was it?

A. In Baton Rouge, Louisiana.

Q. Who else was present?

A. My first meeting with him was alone.

Q. Where was it, sir?

A. This was in the East Baton Rouge parish jail in the office of the warden.

Q. Was he incarcerated at the time?

Mr. Neal: Objection, your Honor.

The Court: Sustained.

By Mr. Silets:

Q. All right, you met him in the office of the jail and who else was present?

A. No one was present during the meeting.

Q. And how long did that meeting take place?

A. I have no distinct recollection, 15 to 30 minutes.

Q. And on that occasion did the name of any of the defendants in this case come up in the conversation?

A. Not to my recollection.

Q. Well, when was the next time you met with Mr. Partin?

A. The next day or evening.

Q. Was that also in the jail?

[fol. 5855] A. No, sir.

Q. Where was that, sir?

A. In the office of the District Attorney in the courthouse at Baton Rouge.

Q. Do you have any knowledge how Mr. Partin was able to leave the jail and go to the courthouse?

Mr. Neal: Objection, your Honor.

The Court: Sustain the objection.

By Mr. Silets:

Q. Who else was present, Mr. Daniels?

Mr. Berke: Just one minute, if your Honor please, in behalf of Mr. Hoffa we think that is very material, if your Honor please, as to where Mr. Partin was and the circumstances under which this arrangement was gotten by even though Mr. Silets is not pressing for it, we think that that is a material matter. In other words, the circumstances, the pressures, and everything that the Court has heretofore held to be inadmissible, we think would be admissible now.

The Court: Overrule the objection.

By Mr. Silets:

Q. On the 27th you met him in the jailhouse and next day you met him in the office of the District Attorney?

A. I didn't say that, Mr. Silets. I didn't specify the exact date. The 27th or 28th, 29th, and I met him then a day subsequent.

[fol. 5856] Q. Day subsequent to your first meeting you met him in the office of the District Attorney?

A. Yes, sir.

Q. Now, was that pursuant to the conversation that you had on the preceding day? In other words, was the succeeding meeting arranged at the time you met with him in the jailhouse?

A. No, sir, not with specificity. I did tell him that I would speak to him at the next opportunity. And try to arrange for a meeting at which would be present my superior, Mr. Pitcher.

Q. Now, in fact, that was the meeting on the next day in Mr. Pitcher's office, is that right?

A. Yes, sir.

Q. Now, who else was present?

A. Mr. Pitcher was present being in and out of the office.

[fol. 5857] Q. Anyone else?

A. No, sir.

Q. Now, at any time from the first conversation that you had with Mr. Partin in the jail house until the time you met with him in the courthouse in Mr. Pitcher's office, did you communicate with any government agents, that is, federal government agents?

A. Mr. Silets, I don't think that I communicated with the government agents. I have no distinct recollection of being the one who communicated with government agents.

Q. Well, to your knowledge did any member of the District Attorney's staff or any employee of the State of Louisiana so communicate with a federal government agent?

A. Yes, sir, Mr. Pitcher contacted by telephone Mr. Peter Duffy, the assistant U. S. District Attorney in New Orleans.

Q. Now, in the terms of time sequence when did that occur, was it following your meeting with Mr. Partin in the jailhouse?

A. I would say approximately October the 1st, 1962.

Q. October the 1st. Would that be subsequent, to the best of your recollection, of your meeting with Mr. Partin in the courthouse?

A. Yes, sir.

Q. All right. Getting back to your meeting with Mr. [fol. 5858] Partin the courthouse, was anyone else besides yourself and Mr. Partin and occasionally Mr. or District Attorney Pitcher in and out, was anyone else present?

A. Not to my recollection.

Q. How long did you converse with him at that time?

A. An hour or more.

Q. At that time was the name of any of the defendants in this case mentioned?

A. Yes, sir.

Q. Which name?

A. Mr. Hoffa's.

Q. That is the Defendant James R. Hoffa?

A. It was my understanding.

Q. Now, pursuant to that conversation, where Mr. Hoffa's name was mentioned, did you meet again with Mr. Partin?

A. Yes, sir.

Q. And when was the next meeting that you had?

A. Approximately October the 2nd, 1962.

Q. Now, in terms of time sequence following this second meeting in the courthouse, your superior, Mr. Pitcher, in fact, contacted the United States Attorney for that district of Louisiana, Mr. Peter Duffy?

A. Yes, sir.

Q. Are you aware of what information he passed to Mr. [fol. 5859] Duffy?

A. Yes, sir.

Q. Was that the same information you had obtained from your conversations with Mr. Partin?

A. In substance it was.

Q. Now, without disclosing the substance of that information did it relate to the subject matter of this lawsuit?

A. No, sir, it affected or concerned other persons not a party to this lawsuit and in no way relates to this proceeding here.

Q. Except for the mention of Mr. Hoffa's name.

A. With that sole exception.

Q. All right. Now, after this contact with the United States Attorney, Mr. Duffy, on October 1st, you say there was another meeting with Mr. Partin on October 2nd.

A. Approximately October 2nd, it might have extended into the morning of October the 3rd, 1962.

Q. Well, is it your testimony that that occurred in the late evening?

A. To the best of my recollection it was in the early morning between, say, one a. m. and five a. m.

Q. So that would be one a. m. of the second or one a. m. of the third.

A. Probably the second, possibly the third—, no later [fol. 5860] than the third of October, 1962.

Q. Now, who else was present at that meeting?

A. Mr. Frank Grimsley, Mr. Peter Duffy, Mr. Sergeant Pitcher and myself.

Q. And where did that meeting take place?

A. In the office of Sergeant Pitcher.

Q. In the courthouse?

A. Yes, sir.

Q. Now, can you, do you know how Mr. Grimsley happened to be at that meeting?

A. No, sir, I do not.

Q. At that meeting was the name of any defendant in this lawsuit mentioned?

A. I think there were, Mr. Silets, and I would like to explain my answer at this point.

Q. Please do.

A. I think that the name of Mr. Hoffa was mentioned, I cannot be more specific because of the time involved. I did not have an opportunity to review the files in the office of the District Attorney to determine exactly who was mentioned.

Q. Well, to the best of your recollection how long did the meeting take to complete?

A. Approximately three hours.

Q. Well, during that time were notes taken by anybody?
[fol. 5861] A. Not to my knowledge, certainly not by me.

Q. Did you observe whether Mr. Grimsley took any notes of the conversation?

A. I don't remember Mr. Grimsley taking any notes at all.

Q. Now, getting back to my original question, though, Mr. Daniels, do you recall or do you know or were you advised how Mr. Grimsley happened to attend this meeting?

A. No, sir. I knew Mr. Duffy, having met him before in New Orleans, and either Mr. Duffy referred to Mr. Grimsley as a Department of Justice official or I inferred it because he was there with the Assistant U. S. D. A.

Q. Well, to the best of your knowledge, however, Mr. Grimsley is an official of the Department of Justice, is that correct?

A. I have learned that subsequently, yes, sir.

Q. And at this particular meeting on October 2nd in the courthouse for these three hours, did Mr. Grimsley inquire of Mr. Partin, ask questions, obtain answers, and so on?

A. Mr. Grimsley did very little questioning or made very few comments and Mr. Duffy made even fewer, the questioning was done principally by Mr. Pitcher and myself.

Q. And it's your testimony in the course of this questioning the name of James R. Hoffa was brought up.

A. To the best of my recollection.

[fol. 5862] Q. Yes, sir. Now, when was the next time, if ever, you met with Mr. Partin?

A. I don't remember the exact date but it would have been shortly thereafter, certainly no later than October the 6th, 1962.

Q. Now, where did that meeting take place, sir?

A. At the Holiday Inn Motel in Baton Rouge, Louisiana.

Q. Now, Mr. Daniels, before we proceed, how many times did you meet with Mr. Partin at the Holiday Inn Motel all told?

A. At least two, two separate occasions and probably more often.

Q. Now, sir, Mr. Daniels, you have filed an affidavit in this action supporting a document filed on behalf of the government and in that affidavit you had stated that you met on two occasions with Mr. Partin, October 8th and October 18, at the Holiday Inn Motel.

Now, in addition to those two meetings your testimony is now that you met on October 6th.

A. Yes, sir.

Q. Who else was present then on October 6th?

A. No one.

Q. And how long did you meet with Mr. Partin?

A. Intermittently for four days.

Q. Were you residing at the motel with him?

[fol. 5863] A. No, I was residing there alone but at the same time.

Q. Is your residence at that motel?

A. No, sir.

Q. Can you tell the jury the purpose of your staying at the motel?

Mr. Neal: Well, Your Honor, we object to this as being irrelevant, hasn't been made relevant to this lawsuit. Mr. Daniels is an official of the state of Louisiana.

[fol. 5864] The Court: Sustain the objection.

By Mr. Silets:

Q. Well, Mr. Daniels, let me ask you this, was your staying at the motel and the staying at the motel by Mr. Partin pursuant to some understanding reached between you and he?

A. Some other outstanding—

Q. (Interposing) No, some understanding, was it pursuant to an agreement?

A. Yes, sir.

Q. And to your knowledge did Mr. Partin register at the motel?

A. I think he did, sir.

Q. And did you register at the motel?

A. I think I did.

Q. Now, all told, I guess, from your testimony, you stayed for a period of four days, were they successive days?

A. I think they were.

Q. How long did Mr. Partin stay at the motel?

A. I couldn't answer that question, Mr. Silets. I do know that he was there during the time of my stay and I do know that he was there on the 18th of October, 1962. I meant by that if he were absent, in the interim, I wouldn't have known.

Q. Now, did you and he share the same room?

[fol. 5865] A. No, sir.

Q. Did you register in the motel in your own name?

A. I don't recollect registering in the motel. Frequently I have been the guest of many of the motels in Baton Rouge. They have permitted me the use of rooms when I was conducting official investigations.

Q. You were there then those four days on an official investigation?

A. Yes, sir.

Q. Now, did Mr. Partin register in his own name?

A. I don't think he did, sir.

Q. In whose name did he register?

Mr. Hooker: We object to that.

The Court: Sustain the objection.

By Mr. Silets:

Q. All right. Your testimony is that he did not register in his own name, correct?

A. I don't recollect with certainty, Mr. Silets.

Q. Do you know who paid his hotel bill?

Mr. Neal: Objection, your Honor.

The Court: Overruled.

The Witness: I don't think that bill has ever been paid.

By Mr. Silets:

Q. Did you pay for your hotel accommodations?

[fol. 5866] A. Yes, sir.

Q. You did pay?

A. I did.

Q. But you did not register?

A. I don't remember that particular point for the reasons that I mentioned in some instances I did register. In other instances I have not been a registered—I have not been registered but I have been a guest of the motel.

Q. Now, you came into the motel then on October 6th and you stayed through October 10th, is that your testimony?

A. Approximately.

Q. And through those four days from time to time you had opportunity to speak to Mr. Partin?

A. Yes, sir.

Q. And could you tell us approximately how much time you spent with him each day?

A. No, sir, Mr. Partin was in in the early mornings. He left some time after nine o'clock, returned—

Q. (Interposing) In the evening? Nine o'clock in the evening?

A. In the mornings. Returned at different hours during the day.

Q. On those occasions, however, when he did return, he conversed with you?

A. Yes, sir.

[fol. 5867] Q. Now, during those conversations was the name of any of the defendants in this case mentioned to you?

A. Yes, sir.

Q. Which defendant?

A. Mr. Hoffa.

Q. Now, on any of those four days when you stayed at the motel, did you meet with Mr. Partin and other individuals? And, if so, state the first such occasion.

A. I do not remember meeting with anyone but Mr. Partin on those occasions.

Q. Now, I direct your attention—

A. (Interposing) To October 8, 1962.

Q. Do you recall Mr. Partin phoning Mr. James R. Hoffa?

A. I do.

Q. And he placed the call, did he, to Mr. Hoffa?

A. Yes, sir.

Q. Was that pursuant to some understanding between yourself and Mr. Partin?

A. I wouldn't say that it was pursuant to an understanding. He had long before given me to understand that he had to contact Mr. Hoffa.

Q. Sir?

A. That he had to telephone Mr. Hoffa when he was able to and at a phone that he felt that he could use without [fol. 5868] being overheard by a bunch of other people.

Q. Now, did you in fact personally overhear Mr. Partin's conversation?

A. Yes, sir.

Q. Now, at any time during the course of this conversation was any recording device used or attached to the telephone?

A. There was.

Q. Now, whose recording device was that?

A. One belonging to the office of the District Attorney.

Q. And did you furnish that to Mr. Partin?

A. I did.

Q. Do you have it with you?

A. I do not know if I have the exact one.

Q. Do you have a similar device with you?

A. Yes, sir.

Q. May we see it, sir?

Mr. Neal: Your Honor, is this a matter relevant to the issues in this case?

Mr. Silets: Certainly is. Couldn't be more relevant.

Mr. Neal: May I inquire just one moment here? Then it seems to be that we should maybe excuse the jury on this matter. May I inquire just two questions?

[fol. 5869] The Court: All right.

By Mr. Neal:

Q. Mr. Daniels, did the Federal Government have anything to do with this?

Mr. Branstetter: May it please the Court, government counsel—

Mr. Silets: (Interposing) If Mr. Neal will wait I will try to elicit as much information as the jury should have before it.

Mr. Neal: May it please the Court, I'm entitled to go into this.

The Court: All right, I will permit you to ask him.

Examination.

By Mr. Neal:

Q. Did the Federal Government have anything to do with this?

A. No, sir.

Mr. Branstetter: May it please the Court, I would like to object.

Mr. Neal: Your Honor—

Mr. Branstetter: (Interposing) May I object, may it please the Court, under the Benanti case it makes no difference insofar as the relevancy of this testimony is concerned whether or not the Federal Government was cooperating at that particular time or not, and I think [fol. 5870] counsel knows it. Makes no difference whatsoever.

Mr. Neal: This is purely a legal matter, your Honor.

The Court: All right. Ladies and gentlemen, step out.

Mr. Silets: May the witness be excused?
Mr. Neal: No, we want to question him.

(Thereupon, the jury of 12 and 4 alternates were excluded from the courtroom, and in their absence, the following proceedings were had, to-wit:)

The Court: All right, you may proceed.

Voir dire examination.

By Mr. Neal:

Q. I would like to question this man. This testimony is not testimony for the jury. It is obviously not testimony. They are trying to have a hearing here on a little wire tapping now under the guise of material and relevant to this case.

Mr. Silets: Your Honor, if we are going to argue this I'd just as soon Mr. Daniels stepped out. Only three steps. I would like to be heard on this proposition.
The Court: All right.

(Thereupon, the Witness Daniels was excluded from the courtroom.)

Mr. Silets: Your Honor, this is extremely material and relevant to the case because the theory of the defense is [fol. 5871] that all of this activity by Mr. Partin was a put-up job and initiated by the government and so far we have elicited from Mr. Daniels the fact that he did have conversations with the local district attorney. The inference from which the jury can draw is that he was excused from the jail house. That is the reason that he did all these things was for the government's purpose and we will show through his testimony that after this set-up phone call of Mr. Daniels furnished the tape recordings to the government.
[fol. 5872] And Mr. Partin in the course of the government's case has stated that he had actually spoken to Mr.

Hoffa. This is very pertinent and relevant to his own testimony.

Now, here is a man who said he heard that conversation. I think we are entitled to elicit this information and if, incidentally, it turns out that the government has violated some law or the evidence is illegally obtained, well, then that is for the Court to decide but the issues of his testimony at the moment and the primary issue of his testimony is extremely relevant to the direct testimony of Mr. Partin and to the theory of the defense and your Honor knows from all of the cases that the jury is entitled when we get to the point of instructions the jury is entitled to an instruction on what our theory of the defense is and in the course of our case we are entitled to elicit and prove the theory of our defense.

The Court: All right. Anything further?

Mr. Silets: My attention is called to this fact, also, your Honor, I believe I myself inquired of Mr. Partin whether he had ever used a recording device or an eavesdropping device and he answered no. Now, if in fact, as we are now developing that the answer is yes, this is enough to destroy the credibility of Mr. Partin.

Mr. Neal: Your Honor, if they will read the pages they have cited they will see that is entirely in error.

[fol. 5873] Mr. Silets: Your Honor, I have tried to find those pages that Mr. Neal has cited, and they sure don't work out to be in this transcript. He has got a session of February 10th, 1964, page 2041. I couldn't find those, I looked for those that he cited in his brief. Take a look at that.

The Court: All right. Anything further? If not, let's have the witness come back and have the jury come back.

William Hawk Daniels, a witness called at the instance of the Defendant Dorfman, having previously been duly sworn, was recalled and testified further as follows:

Mr. Silets: Is the jury going to be brought back?

The Court: Yes.

Mr. Neal: May I ask the Court to advise Mr. Silets this is his witness and he is leading. I don't want to be objecting but we should not have leading questions, your Honor.

The Court: All right.

(Thereupon, the jury of 12 and 4 alternates returned into open court and the following further proceedings were had and evidence introduced, to-wit:)

The Court: Proceed.

Mr. Silets: Thank you, your Honor.

[fol. 5874] Further direct examination.

By Mr. Silets:

Q. Now, Mr. Daniels, the last we were discussing was the recording device that was attached to the telephone and during the conversation that Mr. Partin had with Mr. Hoffa on October 8th, 1962. You were going to display a similar such device. Do you have that with you?

A. Yes, sir.

Q. Will you, please? Mr. Marshal, will you step back so the jury can see this?

May I approach the bench, your Honor?

The Court: All right.

By Mr. Silets:

Q. Now, Mr. Daniels, this large gray box, approximately 6 inches by 10 inches, is what, sir?

A. It is an IBM battery-operated recorder.

Q. And that is an interference-free recorder, is it not?

A. Yes, sir.

Q. Now, you have attached to it another device which is on a length of wire, is that correct?

A. Yes, sir.

Q. And at the end of that wire is what, sir?

A. A suction cup.

Q. Now, what is the purpose of this suction cup?
[fol. 5875] A. This is to hold an induction microphone over the voice coil of the hand set of a telephone.

Q. And what is accomplished when that is placed over the voice portion of the hand set?

A. There is generally a high-fidelity recording of both conversations, the local one and the distant one.

Q. Both the speaker in the distance as well as the man holding the hand set himself?

A. Yes, sir.

Q. Now, in this particular instance on October 8th, 1962, was this induction or suction cup attached to the hand set at the time Mr. Partin was speaking to Mr. Hoffa?

A. It was.

Q. And was it so attached to the voice portion of the hand set?

A. It was.

Q. And was the gray box or one similar to it that you have in front of you operating so that the conversation was recorded?

A. It was.

Q. And was a tape made of that conversation?

A. Yes, sir.

Q. And what, if anything, happened to that tape after the conversation was completed?

A. It was removed from the machine by myself and [fol. 5876] tabbed with the date and time and the place, the person calling, the person called.

Q. Now, prior to the moment that Mr. Partin made this call, you had an agreement with him to use this device on the call at the time he had the conversation with Mr. Hoffa, is that correct?

A. The agreement was considerably antecedent by a day or more.

Q. Oh. When was the agreement consummated?

A. Probably on the 6th of October.

Q. On the 6th of October then you and Mr. Partin agreed that the conversation that he was going to make or the call

he was going to make with Mr. Hoffa would be tape recorded by the use of this device?

A. Mr. Hoffa included with any others that he might make, I don't remember that we specifically limited the agreement or that the agreement was struck or perfected on the basis of a telephone call being made to Mr. Hoffa.

Q. Did you in fact record other phone calls?

A. I recorded none, Mr. Silets.

Q. Just the one?

A. No, sir.

Q. Just—

A. (Interposing) I recorded no telephone calls. I did not.

[fol. 5877] Q. You mean the machine did?

A. I did not. I didn't mean it to be facetious, sir. I did not operate the machine so as to cause it to record any conversation.

Q. However, it was your machine?

A. Yes, sir.

Q. And you attached the suction cup to the hand set?

A. No, sir.

Q. Who did that?

A. Mr. Partin.

Q. And that was pursuant to your understanding of October 6th?

A. Yes, sir.

Q. Was there a particular reason why Mr. Partin attached this, your device to the hand set rather than you?

A. Yes, sir.

Q. What was that reason?

A. The status of a federal law, in particular Section 605 of the Federal Communications Act is, shall we say, somewhat in a hiatus, I don't know that anyone is capable of determining when a tap of a telephone conversation is legal or illegal.

Q. And you and Mr. Partin both considered this as a tap of this phone call?

A. I do not consider it as a tap, I don't know what Mr.

[fol. 5878] Partin may have considered it as. I understand

the word tap, it is a surreptitious interception by a mechanical device of telephone conversations without the knowledge of the sender, the literal language of 605 says, "Without the permission of the sender."

Q. That is for the Judge to decide.

Mr. Neal: Just a moment, now, just a moment, your Honor. I understand that this was done with the permission of the sender and I think the Court should, the jury should be instructed that it is not illegal.

Mr. Silets: If your Honor please—

The Court: (Interposing) Proceed.

By Mr. Silets:

Q. Now, Mr. Daniels, who loaded the machine with the tape?

A. I probably did initially.

Q. And who unloaded the machine when the conversation was completed?

A. I don't remember. May I explain that answer? Prior to Mr. Hoffa's conversation being recorded, numerous other calls had been recorded during the period of which Mr. Partin operated the machine, removed the tapes, placed fresh tapes. Some of these recordings were done when I was out of the room so I couldn't answer you more—with more particularity, Mr. Silets.

[fol. 5879] Q. It is true, however, those tapes were the official property of the state of Louisiana, they were purchased with funds from the state of Louisiana, is that right?

A. Yes, sir.

Q. And retained by the state of Louisiana after the recordings were made?

A. Yes, sir.

Q. Now, was this recording device attached to the telephone throughout the conversation with Mr. Hoffa?

A. Yes, sir.

Q. Now will you tell the jury what Mr. Partin said to Mr. Hoffa when he told him that there wasn't a device at-

tached to the phone? Tell what Mr. Partin said to Mr. Hoffa when he told him the device was attached to the telephone?

The Reporter: Sorry, I didn't get your question. Was?

By Mr. Silets:

Q. Tell what Mr. Partin said to Mr. Hoffa when he told him the device was attached to the telephone.

A. Mr. Partin did not tell Mr. Hoffa that the device was attached to the telephone.

Q. Oh, he never told him that the device was attached?

A. No, sir.

Q. Now, does this device cause an audible signal to be [fol. 5880] interjected into the conversation so that the other party to the conversation is aware that his conversation is being recorded?

A. No, sir.

Q. No signal whatsoever?

A. None.

Q. And except for the fact that Mr. Partin would have told him, Mr. Hoffa would have no way of knowing that the conversation was being recorded?

A. No, sir.

Q. And in fact he did not tell him?

A. In fact he did not tell him.

Q. Now, when the tape of this telephone conversation was removed from this tape recorder what happened to the tape, if anything?

A. I feel reasonably sure that I played that tape to Mr. Pitcher.

Q. And to your knowledge do you know what he did with the tape?

A. Yes, I do.

Q. Will you tell the jury what he did?

A. The tape was played to Mr. Grimsley and possibly Mr. Peter Duffy. A copy of it was made and given to those two gentlemen, just which one I do not remember.

Q. Now, was that recording and playing done in your [fol. 5881] presence?

A. Yes, sir.

Q. Now, at the time did Mr. Grimsley or Mr. Duffy take notes?

A. No, sir, not to my recollection.

Q. Do you have the original of the tape recording?

A. Which one, Mr. Silets?

Q. The one we are speaking of right now, October 8th.

A. October 8th, yes, sir.

Q. And you have it in your posession?

A. Yes, sir.

Q. And a copy was furnished to the federal government?

A. Yes, sir.

Q. And when was a copy furnished to Mr. Hoffa?

A. I don't recollect that our office furnished Mr. Hoffa with a copy.

Q. And isn't it true that the federal government never furnished a copy to Mr. Hoffa to your knowledge?

A. I would have no knowledge of that.

Q. Now, following this conversation of October 8, the telephone conversation with Mr. Hoffa, you had occasion to confer with Mr. Partin again?

A. Yes, sir.

Q. And was that—, can you fix that in terms of the date [fol. 5882] upon which the federal government was furnished with this tape recording?

A. I would say no later than the 10th of October.

Q. Well, let's clear the record, Mr. Daniels, when was the federal government furnished this recording?

A. I cannot answer that with particularity.

Q. Well, to the best of your recollection.

A. No later than the 10th of October, 1962.

Q. And as a result of that—, did you have a meeting at that time when the tapes were delivered?

A. Yes, sir, I think there was a meeting.

Q. And where was that meeting held?

A. Again, in Mr. Pitcher's office.

Q. Was Mr. Partin present?

A. No, sir.

Q. Who was present, Mr. Daniels?

A. Mr. Duffy or Mr. Grimsley.

Q. Yourself and Mr. Pitcher?

A. Myself and Mr. Pitcher. I do not remember with clarity whether it was Mr. Duffy or Mr. Grimsley.

Q. Now, at that time was the name of any defendant in this lawsuit mentioned?

A. Yes, sir.

Q. And whose name?

A. Mr. Hoffa's.

[fol. 5883] Q. Now, on this meeting on this occasion of the meeting on October 10, 1962 was there some agreement or plan with respect to future action as to Mr. Hoffa and Mr. Partin?

A. Not relating to this case.

Q. There was some agreement, however?

A. There was a discussion. It was not an agreement.

Q. There was discussion but not an agreement?

A. Not an agreement per se.

Q. Just to backtrack for a moment, Mr. Daniels, would you again precisely tell us where this induction coil was on the hand set? I'm not sure I remember.

A. It was on the receiver end.

Q. I thought you said it was on the speaking end.

A. No, it was on the coil. This is the coil that takes the electrical impulse and conveys it within the audio limits.

Q. Do you mean when the set is held this way so that one portion is in front of the mouth and the other is at the ear, where would the coil, induction coil be placed?

A. Near the ear piece.

Q. Near the ear piece?

A. Yes.

Q. Now, on this occasion of October 10th you say there was no formal agreement but there was some understand-

[fol. 5884] ing of future action, is that right?

A. I don't remember, I don't recollect that future action was formulated. I know that no specific plans were under

discussion. I know that the matters then discussed in no way relate to this case.

Q. Mr. Daniels, was Mr. Partin then informed that the federal government was furnished this tape recording?

A. I don't believe he was, Mr. Silets.

Q. Now, when was the next time if ever after the 10th of October that you spoke to Mr. Partin?

A. Certainly no later than October 18, 1962.

Q. Between the 10th and the 18th you had no occasion to speak to him?

A. I don't remember.

Q. Did you have an occasion to speak to any member of the Department of Justice or the federal government concerning these matters between the 10th and the 18th?

A. Again I don't remember. I would not preclude it or foreclose by my statement that conversations might not have taken place.

Q. Now, to your knowledge did your superior, Mr. Pitcher, have conversations concerning these matters with the Department of Justice?

A. Mr. Silets, I couldn't speak with any certainty there, but had there been conversations between Mr. Pitcher and [fol. 5885] members of the federal government I would have been apprised of them.

Q. Now, Mr. Daniels, what if anything, occurred on October 18?

A. Again Mr. Partin placed a telephone call to Mr. Hoffa amongst other telephone calls that he made on that day, the day prior, and the day subsequent.

Q. And where did that phone call take place?

A. That phone call, to the best of my recollection, took place in the Holiday Inn Motel.

Q. Now, were you present during the course of that conversation with Mr. Hoffa on the 18th of October?

A. Yes, sir.

Q. And was anyone else present?

A. I don't remember anyone being present outside of Mr. Partin and myself.

Q. Were you present during the time that Mr. Partin made the other phone conversations on the day preceding the 18th and the day following the 18th?

A. On some occasions I was. On other occasions I was not.

Q. But you were in fact present while he was speaking to Mr. Hoffa on the 18th?

A. Yes, sir.

Q. Now on that occasion did Mr. Hoffa call him or did [fol. 5886] he call Mr. Hoffa?

A. Mr. Partin called Mr. Hoffa.

Q. And at the time he placed the call, was this device which you have in front of you in operation?

A. Yes, sir.

Q. And again with the tapes furnished by your office?

A. That is correct.

Q. And on your recording device?

A. Yes, sir.

Q. Now, was this suction cup or induction coil placed upon the telephone on that occasion?

A. Yes, sir.

Q. And where was it placed on the telephone?

A. On the ear piece.

Q. Sorry, sir.

A. Near the ear or receiver.

[fol. 5887] Q. Was it on the ear piece at the time Mr. Partin picked up the phone and dialed the number?

A. Yes, sir, I think it was.

Q. And did you fix it to the ear piece?

A. I did not.

Q. However, it is true that you had originally instructed him in the use of this device, is that not correct?

A. Yes, sir, I did.

Q. You did, sir?

A. I did.

Q. Yes. Now, this recording device itself, it—just correct me if I am wrong—it converts electrical impulses

picked up by the suction cup into a voice which is recorded on the tape, isn't that the process?

A. Yes, sir.

Q. Now, at this time of this phone conversation on October 18th, do you know what the number that Mr. Partin dialed was?

A. I don't recollect the number, Mr. Silets, it seems to me that it was a Washington number and he failed to reach Mr. Hoffa there, he subsequently placed the telephone call to Newark, New Jersey, where he reached Mr. Hoffa.

Q. Now, on this occasion of October 18th, did he, besides the name of Hoffa naturally, and since he was calling Hoffa, was the name of any other defendant in this case men-
[fol. 5888] tioned?

A. Not to my recollection.

Q. Now, on October 18th had you registered in the motel?

A. I don't believe I had.

Q. Were you in the motel staying there?

A. I don't think I was.

Q. Was Mr. Partin staying in the motel?

A. I think he was, sir.

Q. Did he register?

A. I wouldn't know.

Q. Now, again were those—was his bill paid or has it been paid?

A. I have no way of knowing that.

Q. Now, Mr. Daniels, this telephone conversation was overheard by you at the time it was placed by Mr. Partin?

A. Yes, sir.

Q. And did you have occasion to listen to Mr. Hoffa's portion of the conversation as well?

A. Instantaneously with Mr. Partin.

Q. How was that accomplished?

A. By holding my ear close by the ear piece.

Q. And was that with—by consent of Mr. Partin?

A. Yes, sir.

Q. Was it with the consent of Mr. Hoffa?

[fol. 5889] A. Mr. Hoffa wasn't consulted in the matter.

Q. Was Mr. Hoffa informed that this recording device was being used to record the conversation?

A. No, sir.

Q. Now, Mr. Daniels, following the conclusion of that conversation, what, if anything, did you do with the tape which recorded the conversation?

A. Mr. Silets, I am sure that I caused the contents of that tape to be disclosed to a member of the Federal Government, again I cannot particularize who it was, I think it was Mr. Grimsley.

Q. Can you tell us when and where that tape was turned over to the Federal Government?

A. No, sir, I cannot.

Q. Was it on the same day of October 18th?

A. I feel sure that it was not, the contents of it was.

Q. I am sorry, sir, I didn't understand your answer.

A. The tape was not nor reproduction or copy of the tape was not; however, the contents of the conversation, the general nature of the conversation, was conveyed to the Federal Government on the same day.

Q. Now, by whom was that conveyed?

A. By me.

Q. Was Mr. Partin present?

[fol. 5890] A. No, sir.

Q. To whom did you convey this information?

A. I think it was to Mr. Grimsley.

Q. Now, at the time that you conveyed that information to Mr. Grimsley, did he take any notes?

A. No, sir.

Q. Now, to your knowledge, did Mr. Grimsley—by the way, what time of day was this phone call?

A. It was in the morning.

Q. Now, had you seen Mr. Grimsley at the motel on that morning?

A. I don't recollect seeing Mr. Grimsley at the motel that morning.

Q. How did you convey the information to Mr. Grimsley, by phone or in person?

A. By telephone and later in person.

Q. Did you call him from Mr. Partin's room?

A. I don't recollect doing that, Mr. Silets, I feel sure that I called him from our office.

Q. And pursuant to your call to him from your office did he come to your office?

A. No, sir, he did not.

Q. When, if ever, was the tape itself turned over to the Federal Government?

A. Mr. Silets, it could have been later in October, it could [fol. 5891] have been as late as November when that—

Q. (Interposing) In the year 1962?

A. Yes, sir.

Q. However, the substance of the conversation was conveyed by you to Grimsley on that same day?

A. Yes, sir.

Q. Now, to your knowledge, do you know that Mr. Grimsley spoke to Mr. Partin on October 18th in the morning?

A. Not to my knowledge.

Q. Can you tell us approximately the length of the call, the conversation between Mr. Partin and Mr. Hoffa?

A. No more than six minutes.

Q. Now, who paid the price of that phone call?

A. It was a third party billing to Local No. 5 telephone in Baton Rouge.

Q. Now, following this occasion of October 18th, 1962, when, if ever, was the next time you spoke to Mr. Partin?

A. Approximately the 20th of October, 1962, it might have been the 21st.

Q. The 20th or 21st. That would have been Saturday or Sunday, is that right? Can you see that calendar?

A. It would have been Saturday or Sunday, the 20th or the 21st.

Q. And where did you speak to him?

A. I spoke to him on an aircraft bound for Atlanta.

[fol. 5892] Q. How did it happen that you and he were on the same aircraft?

A. Mr. Grimsley called me and asked me if I would go to Atlanta on the 20th or the 21st.

Q. Did he state the purpose for your going to Atlanta?

A. No, sir.

Q. Well, were you employed by the Federal Government at the time?

A. No, sir.

Q. Well, then could you tell us how you happened to go to Atlanta pursuant to the request of the Federal Government while you were an employee of the state?

A. Well, Mr. Silets, I don't know that I would be able to come up with something satisfactory.

Q. I am not—

A. (Interposing) In that respect.

Q. I am not asking for something satisfactory, I just want to know the truth.

A. Well, I beg your pardon, it was a preface to my answer.

Q. I am sorry, sir.

A. And I wanted to preface it lest you think I was trying to evade the question.

Q. I know you weren't.

A. In my business I frequently go to other law enforce-
[fol. 5893] ment agents—agencies, either on my own initiative or at their request to discuss matters with them. I don't give it much thought when local agencies call me at home, as they do night after night and ask me to meet with them, I immediately go, it fits in with my job, as I understand it. When the FBI calls me, for example, I go. I generally feel that these people have something that they want to discuss with me and they don't want to stay on the telephone about it.

Q. You did this with the consent of your superiors, did you not?

A. Yes, sir.

Q. And this matter that you were being called to Atlanta by Mr. Grimsley about related to the subject matter of this lawsuit, is that not true?

A. Yes, sir.

Q. And it was pursuant to the request of the government that Mr. Partin went to Atlanta with you?

A. I presume so, Mr. Silets. I would like for you to know that I didn't coordinate my travel to Atlanta with Mr. Partin. We bought separate tickets at separate times, proceeded to the airport in different vehicles, we did not ride together. He was riding first class, I was riding tourist and—

Q. (Interposing) Do you know who paid for his travel accommodations?

[fol. 5894] A. I think he did, sir, and I remember at one point he offered, he inquired who was paying mine and when I told him I was he offered to pay me back.

Q. Now, you mean it was a sheer coincidence that you were riding on the same airplane?

A. No, sir, I didn't mean to convey that.

Q. Oh.

A. I knew he was going on that aircraft because Mr. Grimsley told me the flight schedule and I booked reservations on that same flight. What I—what I tried to convey to you was that I was not coordinating my movements with Mr. Partin.

[fol. 5895] Q. Now, just to again backtrack for a slight moment, you indicated that other conversations were recorded between Mr. Partin and Mr. Hoffa?

A. No, sir. I have only alluded to two conversations between Mr. Hoffa and Mr. Partin of which—

Q. (Interposing) Those were the only two conversations recorded to your knowledge by Mr. Partin of conversations with Mr. Hoffa?

A. To the best of my knowledge.

Q. Now, to your knowledge, did Partin record any conversations with any of the other defendants in this lawsuit?

A. No, sir.

Q. Are you familiar with the names of the defendants in this lawsuit?

A. Yes, sir.
Q. You are?
A. Yes, sir.
Q. Now, did Mr. Partin get to keep any of these tape recordings?
A. No, sir.
Q. Now, you and Mr. Partin had some understanding that these recordings were to be made. Is that correct?
A. Yes, sir.

Mr. Neal: That is repetitious, your Honor.

By Mr. Silets:

[fol. 5896] Q. Now, Mr. Daniels, can you explain why you had such an understanding with Mr. Partin?
A. Yes, sir. There were matters not at all related to this trial. They related to matters within the ambit of the jurisdiction of the District Attorney in Baton Rouge, Louisiana.
Q. Now, sir, however, you have testified that the conversation of October 18th which was recorded did in fact relate to this lawsuit?
A. Yes, sir.
Q. Now, can you explain why that conversation was recorded?
A. No, sir, I can't give you a better explanation than that the recording device was affixed to Mr. Partin's telephone and he recorded indiscriminately the conversations that he was having over the telephone.
Q. Do you mean the recording device was left with him for his use?
A. It was on occasions.
Q. Well, specifically on October 18, 1962, when the conversation recorded between Partin and Hoffa relating to this lawsuit was recorded, was that device furnished to Mr. Partin by you and your office?
A. Yes, sir.
Q. On that occasion?
[fol. 5897] A. Yes, sir.

Q. Now, we have you on an airplane going to Atlanta with Mr. Partin. Did you have a conversation with him on the airplane on October 20th?

A. Very briefly.

Q. And what was the subject of the conversation?

A. In no way related to this case.

Q. When the plane landed, what happened next? Just relate what occurred from that point on in Atlanta.

A. To the best of my recollection, Mr. Partin and I caught either the limousine or taxi-cab and went to one of the leading hotels in Atlanta. I can't remember the name of it at the moment. And there we met with Mr. Frank Grimsley.

Q. This is the 20th of October?

A. The 20th or the 21st, Mr. Silets. I don't remember.

Q. Yes, sir, now, did you register in the hotel?

A. I don't think we did, sir.

Q. Was there a room available for you when you arrived?

A. Yes, sir.

Q. Was that arranged beforehand?

A. No. I don't think it was arranged beforehand unless we were to ask at the desk for Mr. Grimsley's rooms.

Q. Yes, but my inquiry is specifically when you went to [fol. 5898] Atlanta you knew at that time that you were going to a specific hotel?

A. To a specific hotel, yes, sir.

Q. And that was pursuant to an understanding with Mr. Grimsley?

A. My going to Atlanta, yes.

Q. And the meeting at the specific hotel also was pursuant to an understanding with Mr. Grimsley?

A. Yes, sir.

Q. And Mr. Partin had the same understanding, he went to the hotel with you?

A. Yes, sir.

Q. And to the best of your knowledge, was the room registered in Mr. Grimsley's name?

A. I think it was, Mr. Silets.

Q. And when you arrived you asked for Mr. Grimsley and they told you which room he would be in?

A. Yes, sir.

Q. Or did you know which room he was going to be in?

A. No, I don't think I knew which room.

Q. And you and Mr. Partin then went up to see Mr. Grimsley, is that right?

A. Yes, sir.

Q. Now who else was present?

A. No one.

[fol. 5899] Q. And will you relate what, if anything, occurred on that occasion?

A. To the best of my recollection, Mr. Silets—

Q. (Interposing) Yes, of course.

A. There was a discussion of other matters or a continuation of the discussion of other matters not relating to this case at all. There was a discussion of the telephone call or exchange between Mr. Hoffa and Mr. Partin on the 18th of October, 1962. Mr. Grimsley was interested in knowing whether Mr. Partin would comply with the request that Mr. Hoffa had made for him to meet Mr. Hoffa.

Mr. Partin indicated that he would meet with Mr. Hoffa as soon as possible. Mr. Grimsley asked him would be keep his ears and eyes open and report any attempts at witness intimidation or tampering with the jury. And to report these either to Mr. Grimsley or to Mr. Walter Sheridan.

Q. Now, did Mr. Grimsley advise Mr. Partin to contact Mr. Sheridan on his arrival in Nashville?

A. I don't recollect that. I do think he gave him a telephone number in Nashville.

Q. And did he advice Mr. Partin how long he should stay in Nashville?

A. I don't remember that, Mr. Silets.

Q. Did you proceed to Nashville with Mr. Partin?

A. No, sir, I returned on the same aircraft with Mr. [fol. 5900] Partin back to New Orleans.

Q. Do you mean Mr. Partin went from Atlanta to New Orleans rather than going from Atlanta to Nashville?

A. That's right, sir.

Q. And when you and he arrived in New Orleans did you go back to Baton Rouge, both of you?

A. I did, sir.

Q. And what did Mr. Partin do?

A. Mr. Partin went to the parking lot and got in his automobile. I stayed on the ramp overlooking the parking lot and I suspected that Mr. Partin was being tailed or surveilled. So I stayed behind and since my car was in the same lot I didn't want these people if they were surveilling, if there were surveillance, to begin pursuing me.

Q. What led you to believe that he was being watched?

A. My experience in the investigative field.

Q. Now, did you discover that he was in fact being watched?

A. I am sure in my own mind that he was being watched.

Q. And do you know by whom?

A. No, sir, I do not.

Q. Do you know that it was the FBI who was watching Mr. Partin?

A. I do not know who it was. Mr. Partin had been under [fol. 5901] surveillance by persons not connected with law enforcement because these persons had told me that they were surveilling Mr. Partin.

Q. Well, let's get this understood. Were those persons any of the defendants in this lawsuit?

A. No, sir. I was pursuing your question.

Q. Yes, I just didn't want the jury to have any inference that Mr. Dorfman was tailing Mr. Partin. Now, when was the next time, if ever, you talked to Mr. Partin?

A. To the best of my recollection on or about October 25th, it could have been one or two days prior, or one or two days subsequent.

Q. October 25, 1962?

A. Approximately.

Q. And where was that, sir?

A. Mr. Partin called me from Nashville.

Q. And what was in general the subject matter of his conversation with you?

A. Not related to this lawsuit, sir.

Q. Can you tell us the next time, if ever, you had a conversation with Mr. Partin relating to this lawsuit?

A. I couldn't with particularity.

Q. Did Mr. Partin ever advise you that the United States was paying support for his wife and children?

A. No, sir.

[fol. 5902] Q. Did he ever advise you that his expenses were being paid by the government?

A. No, sir.

Q. Did you ever learn that to be the fact?

A. Only from newspaper accounts, Mr. Silets.

[fol. 5903] Q. Now, to your knowledge, Mr. Daniels, was the conversation between—were any conversations between Mr. Partin and any witness who appeared in this case recorded?

Mr. Neal: Your Honor, we object to that. This witness hasn't been in the courtroom, he has been under the rule, he wouldn't have been in court, this is something that would be hearsay.

Mr. Silets: If he has knowledge, if your Honor please.

Mr. Neal: Ask him if he has any personal knowledge.

Mr. Silets: I mean I am not asking him to speculate.

The Court: Sustain the objection.

By Mr. Silets:

Q. Do you have any knowledge of any recordings of conversations between Mr. Partin and any witness in this lawsuit?

The Court: Sustain the objection.

Mr. Silets: The objection was, as I understood, irrelated to his personal knowledge.

The Court: This gentleman has been under the rule; how would this gentleman know anything about witnesses?

By Mr. Silets:

Q. Well, did you know who was to be a witness in this [fol. 5904] lawsuit?

A. No, Mr. Silets. I haven't followed this lawsuit at all until it began, I have no knowledge.

Q. Now, you say you read about it in the newspapers. Did you see any names in those newspaper accounts of witnesses who in fact testified in this case and whose conversations were recorded with Mr. Partin?

A. Not that I recollect immediately. I would have to review the news clippings, Mr. Silets, which I have kept, but I recognize no name immediately.

Mr. Silets: May I have a moment, your Honor? Your Honor, may we have a few minutes? It's just about that time anyway and I find my voice is getting a little jaded, if I may indulge and have the Court's indulgence upon a recess now.

The Court: Well, can't you complete your examination now and then take a recess at that time?

Mr. Silets: I would prefer, if the Court would permit us to have a recess.

The Court: All right. Ladies and gentlemen, let's be in recess.

(Thereupon, at 2:51 o'clock, p.m., a recess was had.)

[fol. 5904a] (Thereupon, after recess, court was in session, and thereupon, the jury of 12 and 4 alternates were brought into the courtroom and the witness returned to the witness stand and the following proceedings were had, to-wit:)

The Court: All right, gentlemen, you may proceed.

By Mr. Silets:

Q. Mr. Daniels, I just have a few more questions.

A. Mr. Silets, will you indulge us, may I have the last question read to me in order that I may correct or amend and supplement my answer?

Q. Well—

The Reporter: It is upstairs, Judge. We can go get it.

The Court: Let's proceed and we can come back to the matter.

Mr. Silets: Yes, sir.

By Mr. Silets:

Q. Mr. Daniels, did you record any conversation with Mr. Partin and any other defendant or was such a conversation recorded other than the Defendant Hoffa?

A. To the best of my knowledge—

Mr. Neal: Well, Your Honor, may we ask him for his personal knowledge now rather than hearsay or something else?

Mr. Silets: That is all he can answer as to what he [fol. 5905] knows.

The Court: All right.

The Witness: To the best of my knowledge, no.

By Mr. Silets:

Q. To your knowledge has any conversation between any of the defendants here and Mr. Partin been recorded by anybody else?

Mr. Neal: Objection, Your Honor.

The Court: Sustain the objection.

By Mr. Silets:

Q. Well, did you loan an instrument to Mr. Partin similar to the one that is exhibited to the jury for him to take with him to Nashville?

A. No, sir.

Q. To you knowledge, did he have such an instrument available to him while he was in Nashville?

A. No, sir.

Q. Now, how many recordings were made by Mr. Partin with any kind of machine to your knowledge?

Mr. Neal: Your Honor, that is not relevant unless it relates to this case in some way.

The Court: Sustained.

Mr. Silets: That is what I'm trying to arrive at.

By Mr. Silets:

Q. Were there other recordings than those you mentioned?

[fol. 5906] Mr. Neal: Objection, Your Honor. Same thing.

The Court: Sustained.

Mr. Silets: That it all, Your Honor.

The Court: All right, any further examination? Any cross examination?

Mr. Neal: Yes, Your Honor.

Cross examination.

By Mr. Neal:

Q. Mr. Daniels, you are an official—, you are an official I believe of the state of Louisiana?

A. Yes, sir, I'm employed in a constitutional office.

Q. Of the state of Louisiana?

A. Yes, sir.

Q. You do not work for the United States Government or the Department of Justice, do you?

A. No, sir.

Q. You were not working in that capacity in 1962 with respect to these events you have described?

A. No, sir.

Q. Now, sir, with respect to the recording of these two conversations you talked about, did the United States Government have anything to do with that?

A. No, sir.

Mr. Silets: Your Honor, that calls for a conclusion on his part. May it be stricken from the records?

[fol. 5907] The Court: Overrule the objection.

By Mr. Neal:

Q. The United States Government had nothing to do with that?

A. No, sir.

Mr. Silets: Objection, Your Honor.

By Mr. Neal:

Q. Department of Justice.

The Court: Overruled.

By Mr. Neal:

Q. Department of Justice had nothing to do with that?

A. No, sir.

Q. Now, sir, I believe you said that that was recorded with the consent of the sender, that is, the man who made the telephone conversation, both of them. Is that correct?

Mr. Branstetter: May it please the Court, I think this calls for a conclusion because there is sending from each end.

Mr. Neal: Your Honor, the cases on this are rather clear, particularly the Rathburn case is one of them.

The Court: Let's not argue the matter now. Overrule the objection.

By Mr. Neal:

Q. These were recorded with the consent of the sender. [fol. 5908] Is that correct?

A. Yes, sir.

Q. Now, is it not true that that is not a violation of the law?

Mr. Brown: Objection.

Mr. Silets: Objection.

Mr. Branstetter: Objection.

The Court: Sustain the objection.

Mr. Neal: Then we ask the instruction of the Court that that is not a violation of the act.

The Court: Let's proceed with the examination of this witness.

By Mr. Neal:

Q. During the course of your examination by Mr. Silets, I believe you sometimes referred to certain matters not concerned with this case. Didn't you mean with the Nashville case?

A. That is what I meant, sir. I meant in this context that this case arose out of the Nashville case. These other matters had no connection whatsoever.

[fol. 5909] Q. But when you say "this case", you see, we are having a trial here, nothing concerned this case?

Mr. Silets: Objection, your Honor, some of it concerns, some of his testimony concerns this case.

The Court: Well, I believe his response is clear; proceed.

By Mr. Neal:

Q. Just to be sure, you talk about when you were saying that nothing concerned this case, you mean nothing concerned the Nashville case, is that correct?

A. I meant to include the Nashville case.

Q. Anything concerning this case, I mean this proceeding, the one in Chattanooga here?

A. The only—

Mr. Haggerty: (Interposing) I object to that as calling for a conclusion.

The Court: Sustain the objection. I think he answered the question.

Mr. Neal: Very well.

By Mr. Neal:

Q. Now, sir, I believe you said that when you had—you and Mr. Grimsley and Mr. Partin met in Atlanta Mr. Grimsley asked Mr. Partin if he was going to comply with Mr. Hoffa's request that Partin meet Hoffa in Nashville?

A. That is my recollection.

[fol. 5910] Q. And Mr. Partin said yes, he was going to comply with that request, is that correct?

A. That was my recollection.

Q. And then Mr. Grimsley said, "Well, will you do me a favor?" Is that correct, or something to that effect?

Mr. Silets: Objection.

By Mr. Neal:

Q. "Will you do something for me?"

Mr. Branstetter: We object, may it please the Court, he didn't say any such thing that he sought to do Mr. Grimsley a favor.

Mr. Neal: Your Honor, I have never seen such objection to cross examination like this. We never objected.

Mr. Branstetter: He would object if he had cause to object, I assume, if it please the Court.

The Court: Overrule the objection, proceed.

By Mr. Neal:

Q. What were your words, I am not trying to put words in your mouth, I just want your words?

A. Would Mr. Partin keep his eyes and ears open to see if there would be the intimidation or attempted intimidation of witnesses at the Chattanooga trial or jury tampering and to report this event to him or to Mr. Sheridan, it was put in a way that I would describe as a request.

Q. Yes. Now, you said, "The Chattanooga trial," was [fol. 5911] that trial first?

A. I meant the Nashville trial.

Mr. Neal: The Nashville trial.

The Court: All right. May this witness be excused at this time?

Mr. Berke: I'd like to ask this witness a question, your Honor.

Mr. Neal: Now, your Honor, it's not according to what your Honor said would be the procedure.

The Court: If it's in regard to the cross examination.

Mr. Berke: No, your Honor.

The Court: I inquired specifically if the defendants had any other examination.

Mr. Berke: If your Honor please, this is something that has just come to my mind and it wasn't covered by any of the parties.

The Court: Well, unless it relates to the cross examination I think we should follow some sort of orderly procedure. I inquired if there was any further examination before he was cross examined. I will allow you to ask a question and let's see.

Examination by Mr. Berke:

Q. Mr. Daniels, did you confiscate any International Teamsters records in your investigation of Mr. Partin?

[fol. 5912] Mr. Neal: Now, your Honor, you see how objectionable that is?

The Court: Sustain the objection.

Mr. Berke: All right.

By Mr. Berke:

Q. Mr. Daniels, in arranging these telephone conversations and so forth, did you arrange to reduce Mr. Partin's bond so that he could make himself available to you?

Mr. Neal: Now, your Honor—

Mr. Berke: (Interposing) That would show a promise if it happened, if your Honor please, and we think we are entitled to go into that.

The Court: Overruled.

By Mr. Berke:

Q. All right, sir.

A. Mr. Berke, I would like to understand the question better, sir.

Q. All right. Did you make any arrangements for the release, either by reduction of bond or to get him out on your say-so, to get Mr. Partin out of custody so that you could make all these arrangements with him?

A. Positively not, sir.

Q. All right. You say you didn't do that at all?

A. I did not.

Q. Well, did anybody in your office?

[fol. 5913] A. No, sir, no one did. The bond had been set long before conversations took place, there would have been no possibility of anyone in our office controlling the amount of bail bond set or how it would be met, these things are not referred to the office of the District Attorney.

Q. What about Mr. Thompson, the sheriff, did he arrange for a reduction of a bond from $50,000 down to $5,000 Mr. Daniels?

A. This would not fall within the ambit of Mr. Thompson's duties as he was then employed.

Q. Well, you are an investigator out of his office, don't you know, as a matter of fact, that his bond was reduced from $50,000 down to $5,000?

Mr. Neal: Objection, your Honor.

The Court: Sustain the objection.

By Mr. Berke:

Q. Are you familiar with the amount of bond, bail bond, that has been placed?

Mr. Neal: Your Honor—

The Court: (Interposing) Sustained.

Mr. Neal: This is their witness on redirect.

The Court: Sustain the objection.

Mr. Neal: Most improper.

Mr. Silets: Your Honor, I have one question on redirect if Mr. Berke is finished.
[fol. 5914] The Court: All right.

Redirect examination.

By Mr. Silets:

Q. Mr. Daniels, it's only a very short one, I won't go over to the podium.
Isn't it true that on August—

Mr. Neal: (Interposing) Object to the leading form of the question, your Honor.
Mr. Silets: All right. I will walk over to the podium.
Mr. Neal: I don't object to your position in the room, I said the leading form of the question.
Mr. Silets: All right.

By Mr. Silets:

Q. Mr. Daniels, directing your attention to October 7, 1962, was a new bond placed against Mr. Partin at that time?

Mr. Neal: Your Honor, this has nothing to do with my cross examination.
Mr. Silets: No, but it has something to do with Mr. Berke's cross examination, your Honor, I am not—
The Court: (Interposing) Sustain the objection to that.
Mr. Silets: Your Honor, may I inquire if this, if new matters are raised either on cross examination by the gov-
[fol. 5915] ernment or cross examination by other defendants, am I not permitted on redirect—
The Court: (Interposing) All right. State your question.
Mr. Silets: All right. Will the reporter read the question, please?

(Thereupon, the pending question was read by the court reporter.)

The Witness: Your Honor's ruling?
The Court: If you know you can answer.

A. I think there was, Mr. Silets.

Mr. Silets: Thank you.

Recross examination.

By Mr. Neal:

Q. Mr. Daniels, the Federal Government, the United States Government, the government I represent, you understand, ever ask you to do anything, to promise this Mr. Partin anything or do anything for him?

Mr. Silets: Your Honor, may we object before this kind of question comes out?
Mr. Neal: Your Honor, this is what the testimony was driving at that we objected to.
Mr. Silets: This is recross.
Mr. Neal: We are getting—
Mr. Silets: (Interposing) Now, we have to have some [fol. 5916] understanding about the rules of evidence and the rules of examination of witnesses.
Now, it's my understanding if there's going to be a recross it's going to be on the basis of redirect. I didn't raise anything of that sort. I asked him about a new bond.
Mr. Neal: Mr. Berke asked it, your Honor, instead of asking the question that presumably would he knew be relevant he hits at something else.
The Court: Overrule the objection.

By Mr. Neal:

Q. The question was, sir—would you read the question, Mr. Reporter?

(Thereupon, the pending question was read by the court reporter.)

A. At no time.

Mr. Haggerty: I object to the form of that question, may it please the Court. Mr. Neal represents the United States Government, in fact, we all represent the United States Government.

The Court: Well.

Mr. Haggerty: Mr. Neal is one of the attorneys in this case representing the Department of Justice.

The Court: All right. Sustain the objection to the form of the question and permit him to ask it again.

[fol. 5917] Mr. Berke: If your Honor please, that would open up another question I'd like to ask based on what Mr. Neal stated, I'd like to ask this question:

Don't you know, as a matter of fact, that the state—

Mr. Neal: (Interposing) Your Honor, just a moment.

The Court: Well, I am going to overrule the defendant's objection and proceed.

Examination.

By Mr. Berke:

Q. Don't you know, as a matter of fact, that certain charges were by the State of Louisiana nol-prossed, that is, dismissed, in December of 1963?

A. I am going to answer that question and I am going to explain it in full. The first question that has been raised having to do with or relating to bail bond is not a proper question because it does not—

[fol. 5918] Mr. Silets: I object, Your Honor.

Mr. Berke: We want to object to him—

The Court: (Interposing) Well, you gentlemen got into this area.

Mr. Silets: I don't think the speech is responsive.

Mr. Berke: I don't expect him to rule on this question. I thought the Court would rule on that as to whether the question is proper or not.

Mr. Neal: I think he should be entitled to give the truth in this matter whatever it is. They asked the question. They opened it up.

Mr. Silets: Your Honor, I object to that. Is he asking the defense to ask this man to perjure himself?

The Court: State your question.

Mr. Berke: Rather than create a hassle I will withdraw the question.

Mr. Neal: No, Your Honor, we want him to ask him.

Mr. Berke: If Your Honor is going to rule on the question—

Mr. Neal: (Interposing) No, may we have the witness answer?

The Court: I have not ruled upon any question.

Mr. Berke: I certainly have a right to withdraw the question and I do that.

[fol. 5919] Mr. Silets: May I move that his answer be stricken as not being responsive?

The Court: Strike the answer.

Mr. Neal: Would you read the question that Mr. Berke asked? That is my question?

Mr. Berke: If Your Honor please, there is no recross if I withdraw my questioning, he is through.

The Court: State your question, Mr. Neal.

By Mr. Neal:

Q. Mr. Daniels, you were asked if it was not a fact that the state had nolle prossed action against Mr. Partin; now would you answer the question in your own words? As late as December, late as December?

Mr. Silets: Your Honor, hasn't that been withdrawn? Isn't the subject matter closed? Is not—, Your Honor has now on several occasions tried to circumscribe or to limit this from being repetitive. Now Mr. Neal wants to back one question after another. We have to follow some semblance, some format here. What is he cross examining on? I understand the question has been removed.

The Court: Overrule your objection.

By Mr. Neal:

Q. Let me state it again. There has been a lot of insinuations here, a lot of stuff—

Mr. Brown: I object to that.

[fol. 5920] Mr. Branstetter: May it please the Court, we ask that Mr. Neal's remarks be stricken.

The Court: Yes, disregard the remarks of counsel.

By Mr. Neal:

Q. Did you hear my question, sir?

A. Yes, sir.

Q. Would you respond?

A. I would like to answer and explain—

Mr. Berke: If Your Honor please, we want to object to it because it is going to open up a new field. Going to go into all the charges against him. And I withdrew the question and I think at this time there is nothing else for Mr. Neal to go on. I am willing for the court to open it up for me to go ahead into all these charges, what they did with them, how they conducted it. Now I think that if the Court is going to let Mr. Neal do that it would be fair for us to go ahead and open this subject up.

The Court: I have attempted to stop this a long time ago.

Mr. Berke: All right, Your Honor, I withdrew the question and was willing to do it.

The Court: Well, it had been stopped before then. I don't see that it has anything material to add here.

Mr. Neal: Your Honor, we've been attempting to do that all the way along but they have been coming out with these [fol. 5921] insinuations.

Mr. Brown: Your Honor, I object.

The Court: Yes, if it has any relation to this case you

can ask him but if it has no relation I believe the witness has responded to that.

Mr. Hooker: There has been some suggestion that they offered him some sort of reward and special treatment. We think the witness is entitled to answer. He says he can answer it and explain.

The Court: I will allow you to ask him what if anything he may or may not have done in that respect.

By Mr. Neal:

Q. Well, Mr. Daniels, I will ask you just again, was anything done for this man out of the ordinary?

A. No, sir.

Mr. Haggerty: We object to that as calling for a conclusion, I object to it as calling for a conclusion, Your Honor. Was it sustained, Your Honor?

The Court: Sustain the objection.

Mr. Haggerty: Then let the answer be stricken and the jury instructed to disregard it.

The Court: Strike the answer. Anything further?

Mr. Neal: Has this man been treated any differently than any other man?

Mr. Brown: Your Honor, that calls for a conclusion. [fol. 5922] Same thing Mr. Neal represented the speech about. I represent the government.

Mr. Neal: Your Honor, they are the ones who has been trying to bring insinuations in here and now they object when we start to—

Mr. Haggerty: (Interposing) I object to this speech by Mr. Neal. He will have time to make a speech at the end of the case.

The Court: Anything further of this witness?

Mr. Neal: I ask that we strike all insinuations if that is possible.

Mr. Brown: May that include those of Mr. Neal, may it please the Court?

Mr. Neal: Since they won't let the truth out.

Mr. Silets: Now, Your Honor—

Mr. Berke: (Interposing) Your Honor—

Mr. Haggerty: (Interposing) Just a moment—

Mr. Silets: (Interposing) Your Honor, I ask that a mistrial be declared on the basis of those comments and I ask that there is no semblance of order or discipline in this courtroom when a man who represents the United States of America, represents everybody, people in that jury box, and people on this side of the courtroom, too, makes an insinuation that he is interested in the truth and we're not. Now, Your Honor, this is highly prejudicial.

[fol. 5923] The Court: All right. All right, gentlemen. Gentlemen. Ladies and gentlemen, completely disregard the statement of counsel for the government. Disregard the argument of the attorneys in this matter and let's proceed.

Mr. Silets: May Mr. Neal be reprimanded for that, Your Honor? May he be advised and cautioned and instructed not to continue in these kind of things?

The Court: Well, I have tried to stop the argument between counsel here for the last five minutes and I'm going to stop it right now. If there is any other motions you have to make I will hear any motions you have. But let's stop the argument and proceed with the case, gentlemen.

Mr. Haggerty: May it please the Court, during the cross examination that happened this morning, time and time again Mr. Neal went beyond propriety.

The Court: Mr. Haggerty, if you have a motion, state your motion.

Mr. Haggerty: I have a motion.

The Court: State your motion.

Mr. Haggerty: My motion is for Your Honor to admonish Mr. Neal for not only the statement he made but from making future statements such as he did which are highly prejudicial to all defendants in the presence of this jury.

The Court: Well, the Court has given counsel—

[fol. 5924] Mr. Haggerty: (Interposing) I think it is Your Honor's duty to admonish him.

The Court: The Court has given counsel on other occasions, addressed to all counsel, the Court expects all counsel to abide by it.

Mr. Silets: Your Honor, it has been obvious that they have not been effective.

The Court: Let's proceed, gentlemen. I said if you have an objection let me hear it. I will not hear other argument.

Mr. Branstetter: I am not arguing, but on behalf of the Defendant Campbell I move for a mistrial and take exception to the Court's failure to admonish government counsel.

Mr. Alexander: May all defendants join in?

The Court: Joined in by all defendants. Overruled as to all defendants. Is there anything further? If not, you may be excused.

(Witness temporarily excused.)

Mr. Haggerty: Now, this witness, Your Honor, under the ruling before the witness is excused—

The Court: (Interposing) Yes.

Mr. Haggerty: This witness is for another purpose but I understand he is going back for Thursday in Baton Rouge. Is that correct?

[fol. 5925] The Court: That is the Court's understanding.

Mr. Haggerty: But at some future time he is still under subpoena and I do not want him to be released.

The Court: All right. You will remain available until after we adjourn this evening and the court will give you further instructions in that regard, Mr. Daniels.

The Witness: Yes, Your Honor.

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